

*The Consultant role of the Independent Administrative
Authorities in the Algerian legal system*

دور الاستشاري للسلطات الإدارية المستقلة في ظل النظام القانوني الجزائري

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ملخص:

تهدف هذه الدراسة إلى تسليط الضوء على الدور الاستشاري الذي منحه المشرع الجزائري للسلطات الإدارية المستقلة، فبالإضافة إلى وظيفة الضبط التي تمارسها السلطات الإدارية المستقلة كاختصاص اصيل، فإنها تمارس أيضا الوظيفة الاستشارية بشكل عرضي من خلال تقديم آراء استشارية حول السياسات الحكومية في القطاعات التي تتولى تنظيمها باعتبارها فاعلا رئيسيا فيها.

وقد خلصت الدراسة إلى أن الوظيفة الاستشارية للسلطات الإدارية المستقلة في الجزائر تنوع بين صلاحيات استشارية عامة، كإبداء الرأي والمقترحات والتوصيات في جميع المسائل المتعلقة بمجال اختصاصها، وصلاحيات استشارية خاصة، كاقترحات مشاريع القوانين المتعلقة بالقطاع الذي تنظمه. وتقدم هذه المشورة إما بناءً على طلب الهيئة المستشيرة سواء كان إلزامياً أو اختيارياً، أو بمبادرة منها في إطار آلية الإخطار الذاتي.

كلمات مفتاحية:

الوظيفة الاستشارية، السلطات الادارية المستقلة، وظيفة الضبط، الاستقلالية.

Abstract:

This study aims to highlight the advisory role that the Algerian legislator has granted to the independent administrative authorities, In addition to the economic regulatory function that the independent administrative authorities exercise primarily, they also exercise the advisory function on an incidental basis by providing advisory opinions on government policies in the sectors that they are responsible for regulating, as a major player in them.

The study concluded that the advisory function of independent administrative authorities in Algeria varies between general advisory powers, such as providing opinions, proposals, and recommendations on all matters related to their area of expertise, and specific advisory powers, such as proposing draft laws related to the sector they regulate. Advice is provided either at the request of the advisory body, whether mandatory or optional, or on its own initiative within the framework of the self-notification mechanism.

Keywords:

Advisory Function; Independent Administrative Authorities; Regulatory Function; Independence.

Introduction :

The Consultation is a necessity for modern management to ensure its effectiveness and raise its level, as the success of modern systems depends on the extent of their orientation towards the use of advisory bodies that work to help them in making decisions and increasing the level of administrative bodies and working to try to involve the group in decisions, in order to devote the principles of democracy and good governance. Consultation is defined as a set of opinions, suggestions and recommendations presented by advisory bodies in periodic or annual reports to the authority to which they are assigned, based on notification from them or within the framework of self-notification, with the aim of participating in formulating the state's public policies and democratizing the decision-making process (**Koussaila, 2020, p. 1004**). Professor Muhammad Fuad Mahna defined it as "those studied technical opinions on administrative issues presented by a number of individuals specializing in a specific branch of knowledge who are involved in specialized consulting bodies" (**Mahna, 1973, p. 453**).

The constitutional founder classified the constitutionally mandated advisory bodies that exercise the advisory function as their original competence, and the advisory bodies that exercise the advisory function as a subsidiary competence in addition to their original competences.

The Independent administrative authorities are among the non-advisory bodies that exercise advisory functions in addition to their regulatory functions. These are newly established independent administrative bodies, unfamiliar with Algeria's traditional institutional system. They were established by the state to replace it in

performing regulatory functions in economic and technical sectors, in which it no longer directly intervenes using traditional regulatory mechanisms. This has been achieved following the state's transformation from an intervening state to a regulatory state, such as the competition sector, the banking and financial sector, the postal and communications sector, the media sector, and the gas and electricity sector, Independent administrative authorities are widely involved in the process of preparing legal regulations for their sectors of activity through the advisory function. From this perspective, they are considered a technical advisor to the government and a professional partner in the process of preparing regulatory texts governing its sectors, given the diversity of its composition and specialization (**Radhia, 2015, p. 170**).

This study aims to highlight the advisory role that the Algerian legislator has granted to the independent administrative authorities, in addition to their regulatory function. In addition to the economic regulatory function that the independent administrative authorities exercise primarily, they also exercise the advisory function on an incidental basis by providing advisory opinions on government policies in the sectors under their responsibility for regulating, as a major player in them.

To study this topic, the following research questions are raised: **What is the advisory role of independent administrative authorities? And what is the legal structure that ensures these authorities perform both regulatory and advisory functions?**

To analyse this research question, we will use the descriptive and analytical approach. Our research topic will be divided into two main axes: in the first axis, we will discuss: The extent of independence of independent administrative authorities in performing their advisory duties, Then, in the second axis, we will address the advisory function of independent administrative authorities.

1. The extent of Independence of Independent Administrative Authorities in performing their Advisory duties

The Algerian legislator has vested the independent administrative authorities with a set of powers encompassing regulatory, quasi-judicial, and consultative functions. To ensure the effective and autonomous exercise of these functions, a number of guarantees have been established to safeguard their independence in the performance of their duties.

The Algerian legislature explicitly recognized the independence of some independent administrative authorities, unlike some other independent administrative authorities to which the legislature did not explicitly grant independence, such as The Monetary and Banking Council, Competition Council, Therefore, it is necessary to search for this independence that exists in the face of the executive authority (**Samir, 2009, p. 10**), which is divided into organic aspect independence and functional independence, Accordingly, what are the limits of the independence of independent administrative authorities in performing their duties?

1.1. Manifestations of Independence associated with the structural aspect

Determining organic independence is based on a set of factors related to the composition of these human bodies, on the one hand, and the system of mandate to which the members of these bodies are subject, on the other. These rules form the foundations upon which the basic statutes of these bodies are built, and which are linked, on the one hand, to the composition of the independent administrative authorities, which include the qualified and selected individuals to be members thereof and the bodies qualified to appoint them, On the other hand, it is related to the system of the mandate, its characteristics, its duration, and most importantly, the protection of members of these bodies from the power of arbitrary dismissal by the appointed body.

As for the manifestations of the independence of administrative authorities independent of the executive authority, they are divided into two parts. The first relates to the nature of the individuals qualified to be members of these bodies, which is achieved through the selection of appropriate individuals in terms of specialization, experience, and academic qualifications. The second relates to the bodies that have the right to appoint these individuals.

1.1.1. Pluralism and specialization are manifestations of Independence

As for the formation of independent administrative authorities, despite the different rules that govern the formation of independent administrative authorities, whether in Western countries, Algeria, or elsewhere, the general principle that governs this formation is the collective formation that assumes the presence of a group of people within this formation, with different affiliations, specializations, and qualifications (**ilham, 2015, p. 146**). Therefore, we find the Algerian legislator has adopted the principle of collective formation, with the number of members varying from one authority to another, with the number of members of the various independent administrative authorities ranges approximately from 4 to 15 members (For example, the number of members of the Electricity and Gas Regulation Committee is 4 members, The two mining agencies became 04 for the Algerian Geological Service Agency and 05 for the National Agency for Mining Activities, pursuant to Law No. 14-05, two hydrocarbon agencies 6 members, Banking committee 8 members, The Monetary and Banking Council 9 members, Competition Council 12 members, The Postal and Electronic Communications Regulatory Authority 7 members, the organizing committee of the stock in the financial exchange operations 7 members, National Authority for the Prevention and Combating of Crimes Related to Information and Communication Technologies 10 members, The Written Press and Electronic Press Regulatory Authority 09 members, The National Authority Missions for the Protection of Personal Data 15 members).

Anyone who carefully studies the formation of all independent administrative authorities will notice that they are dominated by a collective nature, which is considered an aspect of organic independence; Professor Marie-José Guido

considered that the diversity in the composition of administrative authorities and the different characteristics and positions of members are a factor in strengthening independence (**Guédon, 1991, p. 63**).

As for the mixed nature of the human structure, by examining the laws regulating independent administrative authorities, they include the category of experts or professionals, judges, professors, and representatives of bodies. The category of competence is required, for example, in each of: As for the Monetary and Credit Council, the legislator stipulated the presence of two individuals chosen based on their competence in economic and monetary matters, and a person chosen based on his competence in the field of Islamic banking (**Art No. 61 From Law No. 23-09, 2023, p. 11**), and 3 members are appointed based on their competence in the banking, financial and accounting fields for the Banking Committee (**Art No. 117 From Law No. 23-09, 2023**), as for the Competition Council, it consists of seven members chosen from among individuals known for their legal or economic competence or in the field of competition, distribution and consumption (**Art 24 from Decree No. 03-03, 2008, p. 12**), and members of the Audiovisual Regulatory Authority are selected from among qualified individuals, figures, and researchers with real experience, particularly in the media, technical, legal, and economic fields, and recognized for their publications, research, and contributions to the development of audiovisual media (**Art 41 from Law No. 23-20, 2023, p. 19**), the High Authority for Transparency, Prevention and Combating Corruption is composed of three independent figures that are chosen based on their competence in financial and legal matters (**Art 23 of Law No. 22-08, 2022, p. 10**).

As for the remaining members, the law stipulates that some of them should be university professors, judges, representatives of certain professionals in the sector, craftsmen, or economic operators, representatives of professional and national bodies, associations, and unions, senior officials, or representatives of central government departments.

What we note about the conditions that the Algerian legislator has established to achieve the elements of plurality and specialization in general is that nor did it stipulate in all the laws pertaining to independent administrative authorities the conditions related to the competence and experience of the members, and did not follow precise, consistent and balanced standards in applying the plurality standard, and this will affect the effectiveness of these authorities in performing their functions, and thus their independence.

1.1.2. **The qualified appointing bodies:**

The prevailing principle here is that the Head of State appoints the members of the independent administrative authorities. However, the President of the Republic's power of appointment is not absolute, as other bodies such as Parliament, the Prime Minister, or other institutions may participate in the process by a titer suggestion,

Thus, the President of the Republic in Algeria holds the exclusive power of appointment through a presidential decree, for example, in the case of: The Governor of the Central Bank, who is also the Chairman of the Monetary and Banking Council (**Art 13 of Law No. 23-09, 2023, p. 5**), all members of the Monetary and Banking Council (**Art No. 62 From Law No. 23-09, 2023, p. 11**), and All members of the Authority for the Control of the Written and Electronic Press (**Law No 23-19, 2023, p. 8**) , And the same applies to the members of The National Independent Authority for Audiovisual Regulation (**Art 41 from Law No. 23-20, 2023, p. 19**).

There are some cases in which the President of the Republic's power to appoint has been restricted by granting the right to propose to another body, such as the minister concerned in the sector, or granting the power of appointment to a body other than the President of the Republic, such as the Prime Minister in the case of the committee's chairman, and the Minister in charge of Finance in the case of members of the Stock Exchange Regulation and Control Commission, on the proposal of the Minister of Justice in the case of judges, a member proposed by the Minister in charge of Finance, a university professor proposed by the Minister in charge of Higher Education, a member proposed by the Governor of the Bank of Algeria, a member selected from among the managers of legal entities issuing securities, a member proposed by the National Registry of Chartered Accountants, Accountants and Certified Accountants.

1.1.3. The Mandate System :

Ensuring independence from the executive branch is not limited to the composition. Rather, it requires the implementation of a mandate system. The fundamental elements that distinguish this system are its duration and the possibility of renewal.

Unlike most comparative legislations, such as France and America, whose set mandate an average term of six years, allowing the authority to achieve optimal results, However, the Algerian legislator did not devote a same mandate to all independent administrative authorities, which varies from one authority to another, ranging from short to medium, ranging from three to six years (**ilham, 2015, p. 160**)

The mandate system has been established for all members of the authority: and this has been achieved concerning the members of the Competition Council, whether under Ordinance No. 03-03 or under Law No. 08-12, which amended and supplemented the previous ordinance. However, the latter introduced a periodic renewal every four years, covering half of the members of each category mentioned in Article 24, members of the Banking Committee shall have a term of five years, in accordance with Article 117 of Law No. 23-09, Meanwhile, the mandates for the Written Press Regulatory Authority and the Audiovisual Regulatory Authority have been set at five years, renewable once, in accordance with Article 43 of Law No. 23-19 and Article 43 of Law No. 23-20.

The mandate system has not been fully established: for the two mining agencies, the two hydrocarbon agencies, as well as the Electricity and Gas Regulatory Authority and the Insurance Supervision Authority.

The Algerian legislator has absolutely established the incompatibility system for the members of the Electricity and Gas Regulatory Authority, the Written Press Regulatory Authority (Articles 52 and 57), and the Audiovisual Regulatory Authority (Articles 61 and 64), Meanwhile, in other cases, the legislator has opted for a relative incompatibility system, particularly for members of the Competition Council.

Meanwhile, the legislator overlooked the issue of holding multiple positions and duties for members of the Banking Committee, particularly for the governor and his three deputies. Their roles as the governor and deputies are incompatible with any elected mandate, government assignment, or public office. Additionally, the law stipulates that they cannot engage in any other professional activity or occupation during their mandate, in accordance with Article 15 of the Monetary and Credit Law, the same applies to the National Independent Authority for Audiovisual Regulation. Article 45 of Law No. 23-20 stipulates that membership in the authority is incompatible with any elected mandate, any public office, any professional activity, or any executive responsibility in a political party, trade union, or association except for temporary duties in higher education and supervision in scientific research.

1.2. Manifestations of Independence associated with the functional aspect

The manifestations of independence related to the objective aspect are represented by two pillars: financial independence and administrative independence.

1.2.1. Manifestations of financial Independence

Financial independence is one of the fundamental pillars of functional independence. Addressing the issue of financial independence of independent administrative authorities requires defining the concept of financial independence, which is determined by three elements: methods of financing these authorities, independence of management, independence of programming and budget implementation.

Some economic regulatory bodies in Algeria have defined their sources of funding (**Gharbi, 2015, p. 241**). The Algerian legislator has granted financial independence to most of them, providing them with a budget allocated from the state budget and the authority to benefit from fees and charges in various forms, depending on the nature of the sector. These include :

- The Electricity and Gas Regulatory Commission enjoys financial independence in accordance with Article 112 of Law No. 02-01. It's primarily funded by the revenues generated from the electricity and gas systems. Its operating expenses are considered part of the permanent costs of these systems, in accordance with

Article 94 of Law No. 02-01, However, by studying the legal provisions regulating the committee, we note that the legislator, on the one hand, grants it financial independence and, on the other hand, subjects its management to state oversight in accordance with Article 140, which makes it relative, not absolute, independence.

- The Postal and Electronic Communications Regulatory Authority enjoys financial independence in accordance with Article 11 of Law No. 12-04. The same law also stipulated the sources of funding for the authority, in addition to being funded by the state budget, has the possibility of obtaining external resources primarily generated from sector activities, As for the Commission for the Organization and Supervision of Stock Market Operations, the legislator has allowed it to acquire financial resources outside the general state budget in exchange for services rendered. However, the regulation defines the fundamental rules for these fees, their calculation, and collection methods.

Accordingly, we note that the regulatory authority may need the state budget, which makes it subject to the executive authority, especially since Article 12 subjects it to the state's financial oversight.

Accordingly, one may question the legitimacy of the various types of oversight that the political authority—whether the parliament or the executive power—can impose on how these budgets are spent without compromising the independence of these regulatory bodies.

The execution of a budget inevitably entails state oversight of its expenditure, given that the funds obtained come through mandatory deductions from the regulated sector. As a result, subjecting these revenues to the state's financial oversight system—both prior and subsequent—is essential to ensure their lawful and rational use. This is based on the legal provisions concerning the jurisdiction of the General Inspectorate and the Court of Auditors in conducting post-expenditure financial audits (**ilham, 2015, p. 177**).

By reviewing the legal texts regulating independent administrative authorities in Algeria, we find that financial independence is legally established for most independent administrative authorities. However, the Monetary and Banking Council, the Banking Committee, and the Insurance Supervision Committee do not enjoy legal personality or financial independence, making them financially dependent on the executive authority (**Gharbi, 2015, p. 241**).

1.2.2. Administrative management Independence

Most independent administrative authorities enjoy the freedom to manage and organize their administrative and technical departments, define the duties of their employees, classify them, and determine their salaries. This falls under the authority

of the head of the authority, who usually delegates this responsibility to the secretary-general of the latter. For example, the Stock Exchange Regulation Law grants the head of the committee the right to define the duties and powers of the administrative and technical departments of the committee and to establish the basic regulations for employees. This also applies to the Competition Council, the Postal and Electronic Communications Regulatory Authority, and the Electricity and Gas Regulatory Authority. We find that almost the same applies to other authorities (ilham, 2015, p. 179).

1.2.3. The Authority to establish internal regulations and the annual report

Laws establishing independent administrative authorities usually stipulate basic and pivotal elements for the organization of these authorities, their structure, tasks, and the powers they enjoy, as well as the procedures. However, with regard to the rules and procedures pertaining to the conduct of work within these authorities, it is content to refer the matter to them so that they may establish their own internal regulations. However, in some cases, the legislative authority leaves these authorities complete freedom to establish these regulations of their own free will, and sometimes it engages the executive authority through its ratification. It is rare that it refers the matter directly to the executive authority to establish these internal regulations.

Based on this, independent administrative authorities can be classified into two categories: The first category includes those that have the discretionary power to establish and approve their own internal regulations. Among them are: the Monetary and Banking Council, the Postal and Electronic Communications Regulatory Authority, the Electricity and Gas Regulatory Commission, and the National Independent Authority for Audiovisual Regulation. A second category was stripped of this power in favor of the executive authority, whereas the executive authority intervenes either by setting its internal regulations or approving them, which gives it the right to request the amendment or cancellation of some articles within the internal regulations, therefore the intervention of the executive authority in preparing the internal regulations of the independent authorities limits their administrative independence and makes them subordinate to the executive authority.

As for the annual report represents one of the most important and fundamental ways to clarify the conduct of activities within independent administrative authorities. This means detailing matters and issues related to the performance of their duties, on the one hand, and informing public authorities and the public about the state of the economic and social sectors in general. However, there is an aspect of jurisprudence that expresses that these reports that these authorities submit to the executive authority are nothing but a type of oversight of its work, which limits its independence.

Another side sees that these reports, which are usually annual for these bodies, serve as a means of legitimizing their existence, defining the framework for their

activities, and affirming the necessity of their continuity, given the track record they have achieved (ilham, 2015, p. 189).

2. Functions of Independent Administrative Authorities of an Advisory nature

Independent administrative authorities enjoy a set of advisory powers as a subsidiary function in addition to their original competencies. This is a joint process between these authorities and other bodies specified in the law, and are based on a request submitted by specialized bodies to the regulatory authorities in the areas in which each body specializes (Abdelhak, 2023, p. 135). The advisory function plays an important role in contributing to the stability and balance of the legal system of the market and competition, accordingly, what are the advisory functions of these authorities?

2.1. Advisory bodies in the media and communications sectors

These authorities are: the National Independent Authority for Audiovisual Regulation, the Regulatory Authority of Written Press and Electronic Press, and The Regulatory Authority of Post and Electronic Communications, so in this section, we will discuss the advisory role of each of these bodies.

2.1.1. The Advisory Function of the national Independent Authority for audiovisual Regulation.

The Algerian legislator accordance with Article 40 of the Organic Law on Media (**Organic Law No. 12-05, 2012**) recognized the financial independence and legal personality of the Audiovisual Media Oversight Authority. He also referred the definition of its tasks, powers and composition to the Law No. 23-20.

The National Independent Authority for Audiovisual Regulation is an advisory body that offers its opinions and suggestions on many matters. It expresses its opinion on the national strategy for the development of audiovisual activity, and it also expresses its opinion on every draft legislative or regulatory text related to audiovisual activity, It also makes recommendations to improve competition in the field of audiovisual activities, and Participates, within the framework of national consultations, in determining Algeria's position in international negotiations on radio and television broadcasting services, particularly regarding the general rules for granting frequencies, It also cooperates with national or foreign authorities or bodies active in the same field.

The Authority expresses its opinion or makes proposals on determining royalties for the use of radio frequencies, in the bands granted for the radio broadcasting service; it also plays an advisory role to the judiciary by expressing its opinion on any

dispute related to the practice of audiovisual activity, at the request of the judiciary (**Art 41 from Law No. 23-20, 2023, p. 18**).

The Audiovisual control Authority's contribution to the regulatory mandate is also embodied through consultation and opinion on the development of audiovisual activity. This was embodied by the Audiovisual control Authority's opinion on the issuance of Executive Decree No. 16-220, which specifies the terms and conditions for implementing the announcement of candidacy for the granting of a license to establish a licensed audiovisual communication service (**Harmal, 2021, p. 308**), it also expresses its opinion on the scope of the license, which is specific, whether in terms of the subject related to the license, or in terms of the entity to which this opinion is submitted, which is the Ministry of Communication. As for the scope of providing recommendations, the Audiovisual Regulatory Authority interprets and comments on various legislative and regulatory texts, and issues them in areas in which the independent administrative authority does not have the authority to take individual decisions, but the person concerned with the recommendations is free to implement them or not (**Souih, 2019, p. 135**).

2.1.2. Advisory Function of The Regulatory Authority of written press and electronic press

According to the text of Article 42 of Law No. 23-19 relating to the written press and electronic press, the written press and electronic press regulatory authority undertakes several tasks, including advisory tasks represented in: expressing an opinion on any draft legislative or regulatory text related to media activity, and as well as contributes as an advisor to the judiciary in expressing an opinion at the request of any judicial authority on any case brought before it, According to the text of Article 42 of Law No. 23-19 relating to the written press and electronic press, the written press and electronic press regulatory authority undertakes several tasks, including advisory tasks represented in: expressing an opinion on any draft legislative or regulatory text related to media activity, as well as expressing an opinion at the request of any judicial authority on any case brought before it, also, the Authority may be notified by any state body or media outlet to express an opinion in its area of competence, In addition to establishing cooperative and partnership relations with national and international bodies that have the same goals, with the aim of exchanging expertise and experiences in the field of journalism (**Law No 23-19, 2023, p. 8**).

Based on the above, this body has been authorized to express an opinion on everything related to its field of expertise, upon request from any state-affiliated body or media outlet, although the scope of its advisory jurisdiction has been expanded from both the organic and material aspects, it is limited from the procedural aspect due to the legal force of the consultation, which does not often take the form of an

obligation, which is evident in the government not being obligated to take this consultation.

2.1.3. Advisory Function of the Regulatory Authority of post and electronic communications

The Regulatory Authority of Post and Electronic Communications have broad advisory powers. The Algerian legislator has defined the areas in which the Postal and Electronic Communications Regulatory Authority exercises its advisory function, the Minister responsible for Posts and Electronic Communications consults the regulatory authority on: Preparing each draft regulatory text related to the postal and electronic communications sectors, Preparing the term-sheets, and preparation of the selection procedure for candidates to exploit electronic communications licenses, Also consulted on the appropriateness or necessity of adopting a regulatory text relating to mail and electronic communications, In addition to submitting any recommendations to the competent authority before granting, suspending, withdrawing or renewing licenses, and Preparing the Algerian position in international negotiations in the fields of post and electronic communications, he also consults it on every other matter related to the postal and electronic communications sectors (**Art 14 from Law No. 18-04, 2018**).

From the above, we note that the nature of the consultation requested by the Minister in charge of Post and Telecommunications from the authority is mandatory and not optional, Because the text of Article 14 of Law 18-04, which sets the rules relating to mail and electronic communications, used the term “consult” which means order and obligation, and we also note that this consultation precedes every action taken by the executive authority, whether before preparing a draft regulatory text, preparing the term-sheets, or preparing the procedure for selecting candidates to exploit electronic communications licenses, it is also clear to us the broad scope in which the Regulatory Authority of Postal and Electronic Communications can be consulted, as the legislator did not limit the scope but left the scope open. This is evident from his text at the end of Article 14 stating that the Regulatory Authority of Postal and Electronic Communications is consulted on every matter related to the postal and communications sectors.

It should be noted that the legislator did not specify the nature of these opinions, whether they were optional or mandatory, nor did he clarify the outcome of these opinions and whether the party that requested them is obligated to implement them or not.

It is noteworthy that the Postal Regulatory Authority contributes effectively to the process of regulating the postal and electronic communications sector, which is evident through the many opinions it has issued, including, for example, Regulation No. 03 of September 20, 2023, containing the opinion and recommendations of the Regulatory Authority Postal and Electronic Communications regarding the renewal

of a license to establish and operate an electronic communications network open to the public, GSM cellular services to the public, granted to the National Telecommunications Company of Algeria, Regulation No. 01 dated May 24, 2024, containing the Authority's opinion and recommendations on the draft decree setting out the detailed schedule for implementing the bidding procedure for announcing competition related to the provision of comprehensive electronic communications services to cover areas with low population density with a public wireless transmission network, Regulation No. 09 dated October 20, 2023, containing the Authority's opinion and recommendations on the draft executive decree specifying transmissions accepted for transportation by postal exemption or exemption from licensing. **(Refer to the 2023 Annual Report of the Regulatory Authority of Postal and Electronic Communications)**

In figures, the Postal and Electronic Communications Regulatory Authority was consulted during the year 2024 on eight decisions that included opinions and recommendations related mainly to: Draft executive decree approving the renewal of the license to establish and operate an electronic communications network opened to the public via VSAT and providing electronic communications services to the public, granted to the Algerian Telecom Company. Draft resolution approving the provision of comprehensive electronic communications services to cover areas with low population density through a public mobile wireless communications network for Optimum Telecom Algeria. Draft resolution approving the provision of comprehensive electronic communications services to areas with low population density through a public national wireless communications network for the Algerian Telecom Company. Renewal of the license to establish and operate a public electronic communications network of the type V.SAT, Draft decisions include, respectively, the cancellation of the decision dated August 6, 2017 approving the allocation of the provision of comprehensive wireless communications services in border areas, particularly those located in the south, to the operator Algeria Telecom, and amending the decision dated February 3, 2019 Includes approval of the content and rewards regarding confirmation of the provision of comprehensive electronic communications service by public telecommunications operators. Draft Executive Decree approving the renewal of the license to establish and operate an electronic communications network open to the public via VSAT granted to Algerian Satellite Telecom and Optimum Telecom Algeria. Finally, a request to renew a license to establish and operate the network opens to the public for global personal mobile transportation by liquid GMPCS type **(Regulatory Authority in Numbers 2024)**.

2.2. Advisory bodies in the field of the stock exchange and banking sector

The banking system plays a fundamental role in providing the appropriate conditions that allow the economic system to develop in a stable manner, in addition to being considered the sector that works on managing the means of financing, especially the role that this sector plays at the present time in light of the broad

internal openness to the market economy and the increasing financial globalization whose main feature is the integration and interconnection of international financial markets (Harmal, 2021, p. 322) .

2.2.1. Advisory Function of the competition council

The exercise of the advisory function of the Competition Council differs from that of other independent administrative authorities, while the latter is characterized by a sectorial exercise of the advisory function, its mean limited to specific sectors, the scope of the Competition Council is general and broader , since it the Competition Council has the power to express an opinion, on its own initiative or at the request of the Minister in charge of trade or any other interested party, with the aim of encouraging and ensuring effective market regulation by any appropriate means (**Art 34 from Decree No. 03-03 as amended and supplemented by Law No. 08-12, 2008**) .

It is noteworthy that the Competition Council has the power of self-notification, i.e. the power to initiate the submission of its own opinions; this gives the Competition Council broad freedom to intervene in many activities, It is also permissible for the Minister in charge of trade, the government, local authorities, economic and financial bodies, institutions, professional associations (**Art 35 from Decree No. 03-03 as amended and supplemented by Law No. 08-12**), trade unions, and consumer associations may also request the Council's advice, as may the judicial authorities regarding the handling of causes related to practices that restrict competition (**Art 38 from Decree No. 03-03 as amended and supplemented by Law No. 08-12, 2008**) .

It is also noted in addition to the Competition Council having the right to take the initiative to express opinions, we see a diversity and expansion in the parties requesting advice, also the Algerian legislator did not limit the areas of consultation for the Council the objective of the Competition Council expressing its opinion, whether on its own initiative or at the request of the parties authorized to consult it, is to encourage and ensure effective control of the market, therefore, the Competition Council's opinion may be requested on any matter related to competition, as stipulated in Article 35 of the Competition Law. In addition, the Council may be consulted on any draft legislative or regulatory text related to competition or the inclusion of measures that would (**Art 36 from Decree No. 03-03 as amended and supplemented by Law No. 08-12, 2008**):

- Subjecting the practice of a profession or activity, or entry into a market, to quantitative restrictions.
- Setting exclusive fees in certain areas or activities.

- Imposing special conditions for practicing production, distribution and service activities.
- Defining uniform practices in the field of terms of sale.

It is noteworthy here that the consultation is not limited to regulatory texts only, but rather extends to every draft legislative text related to competition. Here we point out that the name of the draft legislative text differs according to the party that initiated it. What is presented by the executive authority is called a draft law, and what is presented by the legislative authority is called a proposed law. (**Bouchaïr, 2013, p. 116**)

Among the areas of consultation of the Competition Council, its opinion is sought by judicial authorities on cases related to anti-competitive practices, which generally include (**Art 14 from Decree No. 03-03, 2008**):

- Any practice that aims or may aim to hinder, restrict, or disrupt free competition in the same market or in a regional part of it.
- Any abuse resulting from a dominant position in the market, a monopoly, or control over a part of it.
- Any act and/or contract, regardless of its nature or subject, that allows an entity to exclusively conduct an activity falling within the scope of the Competition Law.
- Abuse of the right to exploit and subordinate to another institution as a customer or supplier if this violates the rules of competition.
- Offering prices or applying arbitrarily low selling prices to consumers compared to production, processing, and marketing costs, if such offers or practices aim or may lead to excluding a company or preventing one of its products from entering the market.

As for the nature of the request for advice, whether it is optional or mandatory, what we notice through the Competition Law is that the legislator combined permissibility and obligation in the request for advice pursuant to the repealed Order No. 95-06 relating to competition (**Order No. 95-06, 1995**), therefore the Competition Council must be consulted before setting the prices of certain goods and services that the state considers strategic under a decree. Additionally, the Council is consulted before implementing exceptional measures, also by decree, for a maximum period of six months to curb price increases or regulate prices in cases of excessive inflation caused by a crisis, disaster, chronic supply difficulties affecting a specific sector or geographical area, or in cases of natural monopolies where a single economic entity dominates a particular market or sector (**Art 05 from The Order No. 95-06, 1995, p. 14**)

Therefore, consulting the Competition Council in these cases is a mandatory prerequisite before issuing these decrees. The same law explicitly stipulates the obligation to consult the Competition Council on any draft regulatory text related to competition (**Art 20 from The Order No. 95-06, 1995, p. 16**). As for optional consultation, the legislative authority, local communities, economic and financial institutions, economic agents, professional associations, trade unions, and consumer associations may consult the Council on the same topics. Additionally, the Council provides its opinion on any competition-related matter upon request from the government. (**Art 19 from The Order No. 95-06, 1995, p. 16**)

However, with the repeal of Ordinance No. 95-06 by Ordinance No. 03-03 on competition, amendments were introduced regarding the nature of consultation. The obligation to consult the Competition Council on profit margins and prices of goods and services was abolished, effectively removing the mandatory consultation requirement in this area.

Furthermore, although legislative draft texts were added to the regulatory texts requiring consultation with the Competition Council, the word "mandatory" was omitted, and the provision now states that "the Competition Council is consulted on any draft legislative and regulatory text...". This represents a shift in the nature of consultation, making it optional rather than obligatory for consulting entities.

This change is further evident in the retention of provisions allowing for discretionary consultation, with some modifications to the entities involved. Notably, the legislative authority was replaced by the government. Additionally, there was an expansion of the entities eligible to request consultation, with judicial authorities now explicitly included among those that may seek the Competition Council's opinion.

It is worth noting that since its reactivation in January 2013, the Competition Council has recorded only a limited number of consultation requests from government administrations regarding draft laws and regulations related to competition, including (**Report on the Activities of the Competition Council for the Year 2018, 2019**):

- Opinion request No. 04/2017, registered on December 10, 2017, submitted by Hydra Pharm, a company operating in the import, distribution, promotion, and production of pharmaceutical and para-pharmaceutical products. This request concerns the compliance of a clause in the agreement signed by the company's partners with competition rules.
- Opinion request No. 01/2018, registered on June 25, 2018, was submitted by the Algerian Association for Product Coding through its Director General following cases of fraud and commercial counterfeiting. After deliberation on July 19, 2018, the Competition Council decided not to pursue the request on the grounds that the practices in question did not fall within its jurisdiction.

- Opinion request No. 04/2018, registered on July 25, 2018, was submitted by the Ministry of Commerce, requesting the Competition Council's opinion on the draft executive decree related to the implementation of an additional protective duty.

According to the Council's latest annual report of 2023, no consultations were mentioned that were requested from it by the authorized parties.

2.2.2. The Advisory Function of the monetary and banking council

The Monetary and Credit Law heralded a new phase in the development of the Algerian banking system, in which the state more boldly abandoned the administrative management approach. This abandonment was achieved by adopting the principle of separation between the executive branch and the credit and monetary bodies, by granting independence, which was enshrined in the Monetary and Credit Council as a monetary authority that issues administrative regulations and decisions.

Article 64 of Law No. 23-09 states that the Council is granted powers as a monetary authority in areas related to the following: "... the technical conditions for practicing banking, as well as the professions of consultancy and intermediation in the banking and financial sectors."

Accordingly, we find that the Algerian legislator has granted the Council the authority to exercise an advisory function, but without precisely defining the areas in which the Council may be consulted. Instead, these areas were left broad and general. Additionally, the legislator did not specify the entities that may seek the Council's opinion, merely mentioning that the scope of consultation pertains to the banking and financial sectors.

2.3. Advisory bodies in the electricity, gas, and water sectors

In this section, we will discuss the advisory role of both the Electricity and Gas Regulatory Commission and the Regulatory Authority for Public Water Services.

2.3.1. The Advisory Function of the Regulatory commission of electricity and gas

The Regulatory Commission of Electricity and Gas has been entrusted with three main tasks: ensuring and monitoring the provision of public electricity and gas distribution through pipelines, advising public authorities on the regulation of the electricity market and the national gas market, and overseeing compliance with and enforcement of relevant laws and regulations.

As part of this mission, the Electricity and Gas Regulatory Commission provides reasoned opinions and makes proposals within the framework of applicable laws. It also issues prior opinions on corporate mergers or the control of one or more electricity companies by another entity engaged in electricity generation,

transmission, distribution, and marketing, as well as the transmission, distribution, and marketing of gas through pipelines (**Art 114 and 115 of Law No. 02-01, 2002**).

To enable the Electricity and Gas Regulatory Commission to fulfill its advisory function, the Advisory Council of the Commission was established. This council has a broad composition; in addition to the president and vice-president, it includes 31 representatives from ministerial departments and several other entities (**Art 02 of Executive Decree No. 06-433, 2006**).

As for the jurisdiction of the Advisory Council, its specific scope or the topics on which it is consulted have not been explicitly defined. Instead, its role is broadly outlined in Article 125, Paragraph 2 of Law No. 02-01, which states that the Advisory Council provides opinions on the activities of the managing committee and the strategic objectives of energy policy in the electricity and gas distribution sector.

This broad and generalized approach may have a negative impact on the work of the commission, as the opinions of the Advisory Council might remain too general without addressing the specific aspects that directly influence the objectives and strategies of energy policy. This lack of precision could hinder the translation of these strategies into concrete measures, regulations, and standards that effectively reflect their core principles and intended goals (**Mohamed, 2014, p. 310**).

Therefore, it would have been necessary to clearly define the scope of consultation in alignment with the objectives of the Commission, addressing each point specifically. The areas of jurisdiction legally assigned to the Electricity and Gas Regulatory Commission should be the same areas in which the Advisory Council is consulted. Likewise, the legislator did not clarify the binding nature of the committee's opinions.

2.3.2. The Regulatory Authority for public water services

The Regulatory Authority for Public Water Services is a public administrative body with legal personality and is non-judicial. Its primary objective is to regulate the water sector and improve the relationship between the administration and its employees while ensuring the independence of its functions from executive authority (the Ministry of Water Resources). This principle is inferred from Article 65 of Law No. 05-12 on Water Resources. (**Law No. 05-12 as amended and supplemented by Law No. 08-03, 2008**)

The Regulatory Committee for Public Water Services has several advisory functions, including providing opinions on partnership operations for managing public service activities carried out by operating subsidiaries, as established under Article 104 of Law No. 05-12 on Water Resources.

In addition to providing proposals within the framework of a report submitted to the Minister of Water Resources, which includes recommendations for improving the

management of public water services (**Boukhmiss, 2015, p. 406**), the Regulatory Committee for Public Water Services also offers interpretations of legislative and regulatory texts or clarifies ambiguities in specific provisions. Furthermore, it has the authority to propose legislative or regulatory texts to the government. (**Abdelkader, 2020, p. 1509**)

- **First: Providing Opinions :**

By analyzing Article 4 of Executive Decree No. 08-303 (**Executive Decree No. 08-303, 2008, p. 11**), we find that it states: "Providing opinions on partnership operations for managing public water services carried out by operating subsidiaries established in accordance with Article 104/02 of Law No. 05-12".

In turn, Article 104/02 of Law No. 05-12 stipulates: "The concessionaire may delegate all or part of these activities to one or more subsidiaries for the purpose of operating the facility".

From these two articles, it is understood that the Regulatory Authority for Public Water Services has the power to express its opinion on various partnership operations, as well as on the obligations arising from contracts concluded in this field by different operating subsidiaries established to manage and enhance public water and sanitation services.

Although these powers may seem limited compared to those of economic regulatory authorities, the advisory functions granted to the authority allow it to exercise influence over decision-making. Moreover, Circular No. 295, dated October 14, 2009, concerning the establishment of the Regulatory Authority for Public Water Services, issued by the Ministry of Water Resources, requires it to cooperate with the Ministry and its subsidiaries as necessary for operational needs (**Abdelkader, 2020, p. 1519**).

- **Second: Submitting suggestions**

The Regulatory Authority of Water has the ability to submit proposals for regulating the water sector, as stipulated in Article 6 of Executive Decree 08-303, by submitting the annual report to the Minister in charge, which must include a summary of the activities of the Water Regulatory Authority and the proposals submitted by the Authority, whether related to public service prices, management delegation operations, public or private cooperation, or in a matter that contributes to the proper management of public water services. It should be noted that the opinions and suggestions of the Regulatory Authority of Water are not considered administrative decisions if they do not have a final executive nature. They are considered preparatory work issued by the administration before issuing the decision and preparing it for adoption (**Abdelkader, 2020, p. 1520**).

- **Third: Submitting recommendations**

The Regulatory Authority for Public Water Services has been granted another means to fulfill its mission: issuing recommendations. Article 4 of Law No. 05-12 on Water Resources states: "The Regulatory Authority is responsible for... examining complaints from operators or users of public water services and issuing all appropriate recommendations.". This article implies that the authority has full discretion to issue recommendations whenever necessary. These recommendations apply in areas where the authority lacks the power to make individual decisions. Similar to guidelines, they do not constitute regulatory acts but serve as advisory measures (**Abdelkader, 2020, p. 1521**).

It is worth noting that was established the National Advisory Council for Water Resources in accordance with Article 62 of Law No. 05-12, which states: "A national advisory body called the National Advisory Council for Water Resources shall be established, charged with studying the strategic options and tools for implementing the National Water Plan, as well as all water-related issues on which it is requested to express an opinion". So we note that the Council is a purely national advisory body and not an advisory body affiliated with the Regulatory Authority of Water Resources.

The competencies of the Regulatory Authority for Public Water Services are regulatory, supervisory, and advisory. As a result, its scope of work is broad, precise, and highly significant, falling within the same domain as the National Advisory Council for Water Resources. However, the legislator did not follow the same approach as with other regulatory bodies. In fact, the Regulatory Authority was not even given a place within the composition of the Advisory Council. This indicates a complete separation between the two bodies, which, in my view, is inappropriate. Therefore, each of the two devices complements the other, meaning there is a complementary relationship in a common field that requires control and oversight, as well as consultation and opinion (**Mohamed, 2014, p. 313**).

Conclusion:

What is noticeable about the advisory function of the independent administrative authorities in Algeria, which they exercise in a way that is incidental to their regulatory function, is that it varies between general advisory powers that are manifested in presenting opinions, suggestions and recommendations on everything related to their field of expertise, and specific advisory powers such as proposing draft laws related to the sector that they are responsible for regulating, and the advice provided by the independent administrative authorities is either at the request of the consulting party, whether obligatory or optional, or on its own initiative within the framework of the self-notification mechanism. What is certain is that the involvement of these regulatory bodies in the process of preparing state policies in the sector of their activity is an important matter for achieving consensus on these policies, especially since they enjoy a set of features that qualify them to provide qualitative

advice, most notably the organic and functional independence, efficiency, specialization, and the collective nature of their formation, Despite this, independent administrative authorities still need other mechanisms to activate and enhance their advisory role, the most important of which are:

- Expanding their advisory powers further within the framework of mandatory consultation and self-referral.
- Establishing an advisory council for the Competition Council as is the case for the Electricity and Power Authorities and the Regulatory Authority for Public Water Services.
- Establish clear mechanisms for consultation and direct communication between Parliament and the independent administrative authorities, on the one hand, and between the executive authority and the independent administrative authorities, on the other, by organizing regular consultation sessions.
- Support consultation and communication between the various independent administrative authorities by establishing a joint council of independent administrative authorities.
- Permanently combining the presidency of the independent administrative authority with the presidency of its advisory council, meaning the unification of the executive and advisory leadership.

List of sources and references:

First: Sources:

1. Laws

- Law No. 23-09 of June 21, 2023, containing the Monetary and Banking Law, Official Gazette, No. 43, issued on June 27, 2023.
- Decree No. 03-03 relating to competition, as amended and supplemented by Law No. 08-12 of June 25, 2008, Official Gazette, No. 11, issued on July 2, 2008.
- Law No. 08-03, dated January 23, 2008, Official Gazette, Issue No. 04, published on January 27, 2008.
- Law No. 23-20 of December 2, 2023, relating to audiovisual activity, Official Gazette, Issue No. 77, published on December 2, 2023.
- Law No. 22-08 of May 5, 2022, defining the organization of the High Authority for Transparency, Prevention and Fight against Corruption, Official Gazette, No. 32, issued on May 14, 2022.
- Law No. 23-19 of December 2, 2023, relating to the written press and electronic press, Official Gazette, No. 77, issued on December 2, 2023.
- Organic Law No. 12-05 of January 12, 2012, includes the media law.
- Law No. 18-04 of May 10, 2018, setting the general rules relating to mail and electronic communications, Official Gazette, No. 27, issued on May 13, 2018.

- Ordinance No. 95-06 dated January 25, 1995, relating to competition, Official Gazette, Issue No. 09, published on February 22, 1995.
- Law No. 02-01, dated February 5, 2002, relating to electricity and gas distribution through pipelines, Official Gazette, Issue No. 08, published on February 6, 2002.
- Executive Decree No. 06-433, dated November 26, 2006, defines the composition and functioning of the Advisory Council of the Electricity and Gas Regulatory Commission, Official Gazette, Issue No. 76, published on November 29, 2006.
- Executive Decree No. 08-303, dated September 27, 2008, defines the powers, organizational rules, and functioning of the Regulatory Authority for Public Water Services.

2. Books

- Muhammad Fuad Mahna, Principles and Provisions of Administrative Law in the Arab Republic of Egypt, Al-Shaer Press, Alexandria, 1973.
- Maré-José Guédon, independent administrative authorities, L.G.D.J, Paris, 1991.
- Saeed Bouchaïr, The Algerian Political System: An Analytical Study of the Nature of the Governing System in Light of the 1996 Constitution, legislative and Supervisory Authority, Office of University Publications, Part Four, Algeria, 2013.

3. PhD theses

- Chibouti Radhia, Independent Administrative Bodies in Algeria - A Comparative Study - PhD Thesis in Public Law, Political and Administrative Institutions Specialization, Faculty of Law and Administrative Sciences, Department of Public Law, University of the Brothers Mentouri Constantine, Algeria, 2015.
- Dunia Souih, Legal Regulation of Freedom of Media Practice in Algeria, PhD Thesis in Law, Specialization in Constitutional Law, Faculty of Law and Political Science, University of Batna, 2019.
- Jabri Mohamed, "Independent Administrative Authorities and the Advisory Function," Doctoral Thesis in Public Law, Faculty of Law, University of Algiers 1, 2014.
- Law No. 05-12, dated August 4, 2005
- Khadija Harmal, Advisory bodies in the Algerian legal system, A thesis submitted for a doctorate degree in State and Public Institutions, Faculty of Law, University of Algiers 01, 2021.
- Karmia Abdelhak, The independent administrative authority in Algeria between the purpose of establishment and the independence of performance, A thesis in support of a doctoral degree in Administrative Law, Faculty of Law and Political Science, University of Mohamed Boudiaf M'Sila, 2023.

- Kharchi ilham, Independent administrative authorities under the controlling state, A thesis submitted for the degree of Doctor of Science in Public Law, faculty of law and political science, University of Setif 2, 2015.
-

4. Articles

- Ahsan Gharbi, The Relative Functional Independence of Independent Administrative Authorities, Journal of Research and Human Studies, Issue No. 11, 2015.
- Hadry Samir, Independent administrative authorities and the problem of independence, Journal of Idara, No. 38, 2009.
- Guitaoui Abdelkader, "The Legal System of the Regulatory Authority for Public Water Services," *Al-Ustadh Al-Bahith Journal for Legal and Political Studies*, Vol. 05, Issue 02, 2020.
- Souhila Boukhmiss, "The Role of the Regulatory Authority for Public Water Services in Regulating the Water Sector in Algeria," *Annals of Guelma University for Social and Human Sciences*, Issue No. 13, 2015.

5. Reports

- The 2023 Annual Report of the Regulatory Authority of Postal and Electronic Communications, on the website: <https://www.arpce.dz/>
- Regulatory Authority in Numbers 2024, on the website: <https://www.arpce.dz/>
- Report on the Activities of the Competition Council for the Year 2018, published in June 2019, on the website: <https://www.conseil-concurrence.dz/>

Citations:

- Abdelhak, K. (2023). The independent administrative authority in Algeria between the purpose of establishment and the independence of performance (A thesis in support of a doctoral degree in Administrative Law). M'Sila, Faculty of Law and Political Science: University of Mohamed Boudiaf.
- Abdelkader, G. (2020). The Legal System of the Regulatory Authority for Public Water Services. *Al-Ustadh Al-Bahith Journal for Legal and Political Studies*, 05(02).
- Art 02 of Executive Decree No. 06-433, E. D. (2006, 11 22). defines the composition and functioning of the Advisory Council of the Electricity and Gas Regulatory Commission . Official Gazette, Issue No. 76, published on November 29, 2006.
- Art 05 from The Order No. 95-06, O. (1995, 6 25). relating to competition. Official Gazette, Issue No. 09, published on February 22, 1995.
- Art 114 and 115 of Law No. 02-01, L. (2002, 2 5). relating to electricity and gas distribution through pipelines. Official Gazette, Issue No. 08, published on February 6, 2002.
- Art 13 of Law No. 23-09, L. (2023, 6 21). stipulates that "the bank shall be managed by a governor assisted by three deputies appointed by presidential decree". Official Gazette, No. 43, issued on June 27, 2023.
- Art 14 from Decree No. 03-03, a. a.-1. (2008, 6). relating to competition. Official Gazette, No. 11, issued on July 2, 2008.
- Art 14 from Law No. 18-04, L. (2018, 5 10). setting the general rules relating to mail and electronic communications. Official Gazette, No. 27, issued on May 13, 2018.

The Consultant role of the Independent Administrative Authorities in the Algerian legal system
Sami MERIKHI, Nasreddine MAMRI

- Art 19 from The Order No. 95-06, O. (1995, 1 25). relating to competition. Official Gazette, Issue No. 09, published on February 22, 1995.
- Art 20 from The Order No. 95-06, O. (1995, 1 25). relating to competition. Official Gazette, Issue No. 09, published on February 22, 1995.
- Art 23 of Law No. 22-08, L. (2022, 5 5). defining the organization of the High Authority for Transparency, Prevention and Fight against Corruption . Official Gazette, No. 32, issued on May 14, 2022.
- Art 24 from Decree No. 03-03, a. a.-1. (2008, 6). relating to competition. Official Gazette, No. 11, issued on July 2, 2008.
- Art 34 from Decree No. 03-03 as amended and supplemented by Law No. 08-12, D. (2008, 6 25). relating to competition. Official Gazette, No. 11, issued on July 2, 2008.
- Art 35 from Decree No. 03-03 as amended and supplemented by Law No. 08-12, D. (s.d.). relating to competition. 25: Official Gazette, No. 11, issued on July 2, 2008.
- Art 36 from Decree No. 03-03 as amended and supplemented by Law No. 08-12, D. (2008, 6 25). relating to competition. Official Gazette, No. 11, issued on July 2, 2008.
- Art 38 from Decree No. 03-03 as amended and supplemented by Law No. 08-12, D. (2008, 6 25). relating to competition. Official Gazette, No. 11, issued on July 2, 2008.
- Art 41 from Law No. 23-20, L. (2023, 12 2). relating to audiovisual activity. Official Gazette, Issue No. 77, published on December 2, 2023.
- Art No. 117 From Law No. 23-09, L. (2023, 6 21). containing the Monetary and Banking Law. Official Gazette, No. 43, issued on June 27, 2023.
- Art No. 61 From Law No. 23-09, L. (2023, 6 21). containing the Monetary and Banking Law,. Official Gazette, No. 43, issued on June 27, 2023.
- Art No. 62 From Law No. 23-09, L. (2023, 6 21). containing the Monetary and Banking Law. Official Gazette, No. 43, issued on June 27, 2023.
- Bouchaïr, S. (2013). *The Algerian Political System: An Analytical Study of the Nature of the Governing System in Light of the 1996 Constitution, legislative and Supervisory Authority* (éd. 4). Algeria: Office of University Publications.
- Boukhmiss, S. (2015). The Role of the Regulatory Authority for Public Water Services in Regulating the Water Sector in Algeria. *Annals of Guelma University for Social and Human Sciences*(No. 13).
- Executive Decree No. 08-303, E. D. (2008, 09 27). defines the powers, organizational rules, and functioning of the Regulatory Authority for Public Water Services.
- Gharbi, A. (2015). The Relative Functional Independence of Independent Administrative Authorities. (No. 11).
- Guédon, M.-J. (1991). *independent administrative authorities*. Paris: L.G.D.J.
- Harmal, K. (2021). Advisory bodies in the Algerian legal system (A thesis submitted for a doctorate degree in State and Public Institutions). *Faculty of Law*. University of Algiers 01.
- ilham, K. (2015). Independent administrative authorities under the controlling state (PhD thesis). faculty of law and political science: University of Setif 2.
- Koussaila, B. (2020). The Consultant role of the Independent Administrative Authorities in Algeria, Tunisia, and Morocco. *Journal of the Professor Researcher for Legal and Political Studies*, 05, No. 02, p. 1004.
- Law No 23-19, L. (2023, 12 2). relating to the written press and electronic press. Official Gazette, No. 77, issued on December 2, 2023.
- Law No. 05-12 as amended and supplemented by Law No. 08-03, L. (2008, 1 23). concerning water resources. Official Gazette, Issue No. 04, published on January 27, 2008.
- Mahna, M. F. (1973). *Principles and Provisions of Administrative Law in the Arab Republic of Egypt*. Alexandria: Al-Shaer Press.

The Consultant role of the Independent Administrative Authorities in the Algerian legal system
Sami MERIKHI, Nasreddine MAMRI

- Mohamed, J. (2014). Independent Administrative Authorities and the Advisory Function " Doctoral Thesis in Public Law". Faculty of Law: University of Algiers 1.
- Order No. 95-06, O. (1995, 1 25). relating to competition. Official Gazette, Issue No. 09, published on February 22, 1995.
- Organic Law No. 12-05, l. (2012, 1 12). includes the media law.
- Radhia, C. (2015). Independent Administrative Bodies in Algeria (PhD Thesis in Public Law). Constantine, Algeria: University of the Brothers Mentouri.
- Refer to the 2023 Annual Report of the Regulatory Authority of Postal and Electronic Communications, R. (s.d.). Consulté le 03 15, 2025, sur <https://www.arpce.dz>
- Regulatory Authority in Numbers 2024, R. (s.d.). Consulté le 03 15, 2025, sur <https://www.arpce.dz>
- Report on the Activities of the Competition Council for the Year 2018, R. (2019, 6). Retrieved from <https://www.conseil-concurrence.dz>
- Samir, H. (2009). Independent administrative authorities and the problem of independence. *Journal of Idara, No. 38*.
- Souih, D. (2019). Legal Regulation of Freedom of Media Practice in Algeria (PhD Thesis in Law). Faculty of Law and Political Science: University of Batna.