

Follow-up of Investments in Algerian Law: How Effective is the New Law No. 22-18?



Received: 18/09/2023; Accepted: 16/11/2023

Abdelmoumen ABID

Faculty of Law, Constantine 1 University, (Algeria)

Abstract

Under the new Law No. 22-18 the registered investments in Algeria benefit from many of the material advantages granted to investors as incentives for the purpose of achieving and then completing their investments to become of added value to the national economy. In return for these advantages-benefits, these investors must fulfill their pledged obligations to the State. This paper asks about the effectiveness of the mechanisms established under the new Investment Law and related implementing texts, in particular Executive Decree No. 22-303, which aims to follow up on these investments as one of the administration's subsequent methods of oversight.

Keywords

Investment Follow-up;
Administrative Oversight;
Revocation of Advantages;
Algerian Investment
Promotion Agency;
Investment Law.

الكلمات المفتاحية

متابعة الاستثمار؛
الرقابة الإدارية؛
سحب المزايا؛
الوكالة الجزائرية لترقية
الإستثمار؛
قانون الإستثمار.

متابعة الاستثمارات في القانون الجزائري: أيّ فعالية للقانون الجديد رقم 22-18؟

ملخص

بموجب قانون الإستثمار الجديد 18-22 تستفيد الإستثمارات المسجلة في الجزائر من عديد المزايا المادية الممنوحة للمستثمرين كحوافز لغرض إنجاز ثم استكمال استثماراتهم لتصبح ذات قيمة مضافة للاقتصاد الوطني، وفي مقابل هذه المزايا يجب على هؤلاء المستثمرين الوفاء بالتزاماتهم التي تعهدوا بها تجاه الدولة. تتساءل هذه الورقة عن فعالية الآليات المستحدثة لمتابعة الإستثمارات بموجب هذا القانون ونصوصه التطبيقية، لا سيما المرسوم التنفيذي رقم 303-22، بوصفها إحدى أساليب الرقابة اللاحقة للإدارة.

* Corresponding author. E-mail: abdelmoumen.abid@umc.edu.dz

Doi:

I- Introduction:

The prosperity of the investment climate and the growth of the economic sector in any country are linked to many factors that support and enhance this prosperity and development, one of these factors is to encourage polarization through the material benefits granted by law to investors. In their turn, the owners of the registered investments and the beneficiaries of the advantages are committed to the actual realization and exploitation of their investments, and this was confirmed by the Algerian legislator in the new (Law No.22-18, 2022).

In view of the many material advantages brought by this new law, there is a need for a form of oversight over these advantages-benefits, in order to ensure that the owners of the registered investments and the beneficiaries of advantages are actually Implementation their obligations and engagements towards the State, and this was also emphasized within provisions of (Executive Decree N° 22-303, 2022).

This paper sheds light on the subsequent forms of administrative oversight over the advantages-benefits granted to investors, and asks about the effectiveness of the introduced mechanisms under the new law and these new regulatory texts, which aim to follow up on investment projects as one of methods of administration's post-control on investments? The taking up a descriptive, and critical analytical approaches, allow research into the feasibility and effectiveness of these new mechanisms.

II– Investments registration procedure and requesting the advantages-benefits:

This part focuses on the definition of investment and the concept of its registration procedure, and then moves on to clarify the investment advantages-benefits system.

II.1. Investment definition and pre-registration procedure:

II.1.1. Investment definition:

Before talking about investment registration –in more detail below - as the essential procedure that will enable investors later to obtain the advantages-benefits, it is worthwhile first to know the investment. One of the important definitions focuses on two basic approaches: enterprise-based investment definition and Asset-based investment definition (IISD, 2023). An enterprise-based definition defines investment as the establishment or acquisition of an enterprise in the host State.

By contrast, the asset-based definition is broader, covering more than just capital or resources that have crossed the borders with a view of creating an enterprise (IISD, 2023). In this context, we can distinguish between two types of investment: investment in the means of production and purely financial investment (The Encyclopedia Britannica Glossary, 2023). Although both types may yield a monetary return to the investor on an individual basis, from the viewpoint of the overall economy, purely financial investments seem solely as title transfers and do not constitute an increase to productive capacity (The Encyclopedia Britannica Glossary, 2023).

Investment also is public or private expenditure that adds to the public and private physical capital stock. This includes fixed assets such as dwellings (excluding land), other buildings and structures (roads, bridges, airports and dams), transport equipment, machinery, cultivated assets, and intangible fixed assets (such as intellectual property). Investment is a driver for sustainable growth and development. It is essential for the provision of basic services such as electricity, water and sanitation and is also a requisite for the delivery of public services like health, education and security (OECD, 2016, p. 9).

In Algeria - from a legal angle - the legislator did not explicitly define the term investment in (Law No.22-18, 2022), but he defined its types and purpose through Article 4, which subject these forms to the provisions of this law as follows:

- **The first type of investment:** is the acquisition of tangible or intangible assets that fall directly within the activities of the production of goods and services in the context of the creation of new activities, the expansion of production capacities and/or the rehabilitation of production tools.
- **The second type** is the contribution on the capital of an enterprise in the form of cash or in-kind shares.
- **The third type**: includes the transfer of activities from abroad.

It should be noted that the legislator, through Article 5 of the same law, has defined a number of concepts related to investment objectives as follows:

Investments in structures-constructions “*Creative investment*”: Any investment performed with the aim of producing technical capabilities through assets purchase for the production of goods and/or services- centered activities.

Investments in expansion: any investment made with the aim of raising the capacity to produce goods and/or services through the acquisition of new means of production to be added to those already in existence.

Rehabilitation investment: any performed investment consisting of good and/or services purchase operations dedicated to the compliance of the existing materials and equipment for addressing the impact of technological obsolescence or time tear and wear thereupon in order to increase productivity or resume any activity that has been interrupted for at least three (03) years.

Relocation of activities from abroad: any action by which a company under foreign laws wholly or partly transfers its activities from abroad to Algeria.

II.1.2. The investment registration concept:

Administrative procedure is a set or system of rules that govern the procedures of public bodies for managing organizing bureaucratic actions inside bureaucracies and in their interactions with private parties. These procedures are generally meant to establish efficiency, consistency, responsibility, and accountability (Kovac, 2019, p. 39).

In general, the registration in administrative work is an act that enables the recording of information-s in a digital program or official paper document or any other form of documentation for the purpose of proof. Within the investment framework; the registration is the procedure by which an investor expresses his will to carry out an investment in an economic activity for producing goods and/or services (Article 2 of Executive Decree N° 22 –299, 2022). For the benefit from the advantages provided for by the provisions of new (Law No.22-18, 2022), investments shall be, before their performance, subject to registration with the competent ‘The Agency one-stop shop’ mentioned in Article 18 of (Law No.22-18, 2022) Where it states the following:

[The National Investment Development Agency, which is created under article 6, which is still in force, of the ordinance No 01-03 of August 20th 2001 on the investment development, is now called the “Algerian Investment Promotion Agency”, hereinafter referred to as “The Agency”. The Agency, in coordination with the administrations and entities concerned, has the duty to: - Register and process investment applications ...].

The investment registration is materialized by the immediate delivery of a certificate accompanied by the list of goods and services eligible for the advantages authorizing the investor to assert with the administrations and organizations concerned. The implementation terms of this article, and the list of goods and services non eligible for the advantages provided for in the provisions of Law are defined by regulations.

It is important to note that The investment registration is carried out at the one-stop shop of the Agency, or through the *Investor’s Digital Platform*, by introducing an application as per the template set in the *Exhibit I* of Executive Decree N° 22 – 299, accompanied by the list of goods and services directly entering in his investment realization, as per the template set in the *Exhibit II* of this Decree.

What can be concluded from what has been explained above is that the legislation and regulations in force emphasize the importance of investment registration as a precondition for obtain the advantages-benefits, and therefore only projects registered before the start of their actual completion can obtain the advantages-benefits defined by new (Law No.22-18, 2022).

II.1.3. The investor’s request for obtain advantages-benefits:

As explained in more detail below, investments shall benefit, at the investor’s request, from only one of the incentive schemes mentioned below (Article 24 of Law No. 22-18, 2022):

- The incentive scheme for priority sectors hereinafter referred to as the “**Sectors Schemes**”;
- The incentive scheme for zones the state pays a particular attention thereto, hereinafter referred to as the “**Zone Scheme**”;
- The incentive scheme for investments with a structuring nature, hereinafter referred to as the “**Structuring Investments Scheme**”.

Based on the article 30 of (Law No.22-18, 2022), the “**Structuring investments**” it is investments with high potential of job and wealth creation, likely to increase the attractiveness of the territory, and to create a spillover effect on the economic activities for a sustainable development. When regarding to structuring investments, it’s important to note that the access to the advantages, as part of the operating phase, is subject to the establishment, at the Investor’s behest, of a fact- finding *report on the entry into operation*, by the Algerian Investment Promotion Agency (Article 2 of Executive Decree N° 22-302, 2022). The investment registration is materialized by the immediate delivery of a certificate accompanied by the list of goods and services eligible for the advantages authorizing the investor to assert with the administrations and organizations concerned (Article 25 of Law No. 22-18, 2022).

II.2. Advantages-benefits of investments between release and restriction:

Investments in Algeria are encouraged through various mechanisms intended for national or foreign investors. The legislator provides useful measures to attract investment, whether in taxation, project financing, investment-oriented real estate awarding or customs. It is important to note that the legislator restricted the possibility of investments benefiting from the advantages-benefits that have been identified by (Law No.22-18, 2022), as he specified a list of activities that are not eligible for obtain advantages-benefits in title of the “*Sectors Schemes*” in accordance with (Executive Decree N° 22-300, 2022).

II.2.1. Advantages-benefits of investment: concept and forms:

Although there is no explicit definition of advantages-benefits, reading the legal and regulatory texts allows us to formulate a definition of these benefits as a set of measures and procedures aimed at supporting investors by granting

them exemptions and facilities prescribed in the legislation and regulations in force, this is done through the Algerian Investment Agency, as well as the administrations and organizations concerned with investment follow-up, as will be explained below.

A. Priority sectors incentive system, “Sectors Schemes”:

According to article 26 of (Law No.22-18, 2022), Investors are eligible for the “sectors scheme” of the investments carried out in the following activities:

- Mines and quarries;
- Agriculture, aquaculture, and fishing;
- Industry, agro-business industry, pharmaceuticals and petrochemicals industry;
- Services and tourism;
- New renewable energies and;
- Knowledge-based economy, information and communication technologies.

It's important to note that the list of the activities not eligible to the advantages provided for under the sectors scheme is set up by the (Executive Decree N° 22-300, 2022).

B. The incentive system for areas of particular attention from the State, “Zone Scheme”

It is worth mentioning that the legislator considers “Zones Scheme”, all the investments made in (Article 28 of Law No. 22-18, 2022) as follows:

- Localities of High plateau, the South, and the Greater South;
- Localities the development of which requires a particular support from the state;
- Localities with potential natural resources to be enhanced. The list of the localities depending on the areas to which the state attributes a particular interest is set up by the (Executive Decree N° 22-301, 2022).

C. The incentive scheme for investments with a structuring nature “Structuring Investments Scheme”

The “Structuring investments scheme”, it is investments with high potential of job and wealth creation, likely to increase the attractiveness of the territory, and to create a spillover effect on the economic activities for a sustainable development (Article 30 of Law No. 22-18, 2022). Structuring investments, for the purpose of the (Law No.22-18, 2022), are investments with high potential of jobs and wealth creation which are likely to increase the attractiveness of the territory and to trigger a ripple effect on the economic activity for a social, economic, and territorial sustainable development which mainly contribute to (Article 15 of Executive Decree N° 22-302, 2022) as follows:

- Import substitution;
- Export diversification;
- Integration into the global value chain;
- Acquisition of technology and know-how.

Investments which meet the following standards eligible for the structured investment scheme (Articles 16 & 17 of Executive Decree N° 22-302, 2022) as follows:

- The level of direct jobs: Equal to or higher than five hundred (500) jobs;
- The amount of the investment: Equal or higher than ten (10) billion Algerian Dinars.

Structuring investments can be partially or fully supported by the state as to the territorial development and the infrastructures needed for their realization. It is understood by infrastructure works, those works which are related to the different facilities provision and the opening up of roads up to the limits of the investment project perimeter. The qualifying criteria for investments entitled to the “Structuring investments scheme”, are set up by the (Executive Decree N° 22-302, 2022).

II.2.2. Advantages-benefits granted according to different incentive schemes:

A. Advantages-benefits of “Zones Scheme”:

Investments entitled to the “Zones Scheme” the activities thereof are not excluded from the benefits set out in this article, may benefit, in addition to tax, Para-fiscal, and customs incentives provided for in the Public Law, from the following advantages (Article 29 of Law No. 22-18, 2022) as follows:

- **Under the implementation phase:**

Benefits provided for by article 27 of (Law No.22-18, 2022)(defined in detail below).

- **Under the operation (exploitation) phase:**

For a period ranging from five (05) to ten (10) years, from the date of entry into operation:

- Exemption from the corporate profit tax (IBS);
- Exemption from the professional activity tax (TAP);

The list of the activities not eligible to the benefits provided for by the “Zones Scheme” is set up by the (Executive Decree N° 22-301, 2022).

B. Advantages-benefits of “Sectors Scheme”:

According to article 27 of (Law No.22-18, 2022), the investments eligible for the “Sectors Scheme” are entitled to, in addition to tax, Para-fiscal, and customs incentives provided for in the Public Law, the following benefits:

- **Under the implementation phase:**
 - Exemption from customs duties for imported goods directly entering in the investment implementation;

- (VAT) value added tax exemption for imported or locally purchased goods and services directly entering in the investment implementation;
- Exemption from transfer duty, for valuable consideration, and from the land advertisement tax for all real estate acquisitions made as part of the investment concerned;
- Exemption from registration fees payable for the articles of incorporation of companies and capital increase;
- Exemption from registration fees, land advertisement tax, and the public land remuneration relating to the concessions of built and non-built real estate dedicated to implementing investment projects;
- Exemption from land tax on real estate properties entering in investment, for a period of ten (10) years, from the acquisition date.
- **Under the operation phase:** For a period ranging from three (03) to five (05) years, from the date of entry into operation of:
 - Exemption from corporate profit tax (IBS);
 - Exemption from the tax on professional activity (TAP).

C. Advantages-benefits of “Structuring investments scheme”:

Investments entitled to the structuring investments scheme shall benefit, in addition to tax, Para-fiscal, and customs incentives provided for by the Public Law (Article 31 of Law No. 22-18, 2022) from the following:

- **Under the implementation phase:**

The benefits provided for in article 27 of (Law No.22-18, 2022) (Detailed above). The benefits of the implementation phase set out in this article can be transferred to the sub-contractors of the recipient investor in charge of the investment implementation, for the latter’s account.

- **Under the operation (exploitation) phase:**

For a period ranging from five (05) to ten (10) years, from the date of entry into operation:

- Exemption from the corporate profit tax (IBS);
- Exemption from the professional activity tax (TAP);

Structuring investments may benefit from the support of the state by ensuring, partly or entirely, the development and infrastructures works necessary for their realization, on the basis of an agreement made between the investor and the Agency which is acting on the state’s behalf. The agreement is concluded after its approval by the Government.

III- Content and effectiveness of administrative oversight over investment advantages-benefits:

III.1. Administrative follow-up to ensure the fulfillment of obligations and engagements:

Administrative procedure relates to the methods and processes before administrative agencies, as distinguished from judicial procedure, which applies to courts. The administrative procedure can be defined as a succession of acts and operations issued or performed by an administrative body on its own motion or upon request, in order to adjudicate on rights, interests, and obligations of parties of the procedure or decide based on the public interest, according to the laws and other regulations in force (Dragos, 2022, p. 363). The various legal and regulatory texts below affirm that "follow-up" is ongoing administrative control over investors; it's aims at verifying the progress and implementation of investment projects benefiting from the advantages, practiced by the relevant administrations, through the collection of statistical information on projects and verification of investor's statements and reports.

III.1.1. Ascertainment the implementation of the obligations and engagements:

The new (Law No.22-18, 2022) recalls the obligations and engagements of investors with regard, on the one hand, to compliance with applicable legislation and standards relating in particular to environmental protection, public health, competition, employment, transparency of accounting, tax and financial information. On the other hand, all information requested by the administration must be provided, this is what mentioned in the Article 15, Para 2, of Law 22-18 states the following:

[The investor shall: -Provide any information requested by the administration, necessary the monitoring and evaluation of the implementation of the provisions of this Law].

The (Executive Decree N° 22-303, 2022) also stipulates the pertaining to the investments follow-up, and to the measures to take in case of non-compliance with the obligations and engagements. Furthermore, it should be noted that the public authorities have ensured that oversight takes place throughout the completion and exploitation period. Based on the above legal and regulatory texts, the investor's obligations - which are eight -8- can be summarized as follows:

- **Obligation related to the trade register**

According to article 13 of Executive Decree N° 22 – 299, the actual use of benefits is subject to the subscription in the trade register and to the establishment of a TIN (Tax identifier number).

- **Tax obligations**

- Registration in the taxpayer files TIN (Tax identifier number)

- Submission of tax declarations
- Retention of equipment during the depreciation period

- **Obligation to submit a progress report**

The investment project progress report is signed and endorsed by Tax Services. It shall be submitted by the investor to the Agency within the thirty (30) days following the signature date by the competent Tax authorities (Article 4 of Executive Decree N° 22-303, 2022).

- **Accounting obligations**

- Keeping regular accounts
- Compliance with the provisions of the financial accounting system

- **Social obligations**

- Declaration of salaried workers to the social security services.
- Registering affiliation with the National Fund for Social Security for non-wage workers (CASNOS).

- **Obligation related to the respect of the environment and public health**

- **Obligation related to Compliance with competition rules and intellectual property rights**

- **Miscellaneous obligation**

The investor shall provide the entire information requested by the administration, for monitoring the assessment of the granted advantages consumption, it is also important to provide a certificate of change in workforce established by the National Social Security Fund for Salaried Workers (CNAS).

It is useful to recall that the Investments located in the great south of Algeria are not subject to the following obligations:

- Submit to the Agency an application for the determination of the duration of the benefits of the operating phase, three (3) months before the expiry of the minimum duration of the operating benefits which he has received following the report on entry into operation.
- Provide the Agency with a certificate of staff variation drawn up by the CNAS.

III.1.2. Institutional framework for monitoring investments:

As part of the period during which the investments benefit from the advantages provided for in the (Law No.22-18, 2022), the involved administrations are requested to follow-up the investments so as to ensure the engagements subscribed by the investors are respected. The administrations and organisms -as part of the follow-up- involved in the implementation of the provisions of (Law No.22-18, 2022) are responsible for ensuring, in accordance with their powers, and during the allowed depreciation period of the properties acquired under benefits, compliance by the investors of their commitments made during the investment registration. In the event of noncompliance with the commitments resulting from the implementation of the provisions of this Law or from the engagements taken by the investor, these benefits can be partly or totally withdrawn without prejudice to the sanctions provided for by the legislation in force (Article 36 of Law No. 22-18, 2022).

The follow-up by the involved administrations consists (Article 2 of Executive Decree N° 22-303, 2022) as follows: **a)** With regard to the Algerian Investment Promotion Agency, hereinafter referred to as the “Agency”, monitoring the implementation of the projects, and collecting varied statistical information on their progress situations. **b)** With regard to the tax and customs administration, ensuring according to their attributions, that the obligations and engagements subscribed as part of the granted advantages, are respected by the investors; **c)** With regard to the administration state properties, ensuring that the destination of the land base granted by the land entities, for the realization of the investment, is maintained, according to the clauses set forth in the specifications notice and concession deed; **d)** With regard to the National Social Security Funds for the Salaried and Self Employed Workers (CNAS), ensuring that the investor maintains at least the number of jobs of the same number as that which allows him to access the operating advantages term.

A) The Algerian Investment Promotion Agency

The One-Stop Shop of the Agency shall proceed, every year, to reconciliation between the investments progress reports received and the investment application registered with the Agency, in order to identify the investors having not provided the annual progress report on their investment’s projects. An official notice is sent by the Agency, by all means, within an eight (8) days term following the acknowledgement of the absence of the progress report deposit. The investor shall forward the supporting documents related to the non- deposit of the projects progress report, under a fifteen (15) days term, starting from the notification date of the official notice, under penalty of the withdrawal of the advantages. It should be noted that the investor shall file with the Agency an application for the determination of the operating advantages term, three (3) months before the expiry minimum term for the operating advantages he enjoyed, according to the report on the entry into operation (Articles 5 & 6 of Executive Decree N° 22-303, 2022).

B) The Tax and Customs Administrations

With regard to the tax and customs administrations, it’s shall ensuring according to their attributions, that the obligations and engagements subscribed as part of the granted advantages, are respected by the investors, In this context, the tax administrations sign and mark the statement of progress of the investment project which is deposited by the investor with the Algerian Investment Agency within the thirty (30) days following the date of signature of the

eligible tax administrations. In this regard, the follow-up by the tax administration covers the entire period of non-waiver of goods acquired and covered by the exemption from customs rights. As for the customs field, the customs administration undertakes follow-up tasks by preserving the privileged destination of the declared imported goods when they benefit from a customs or tax exemption, in accordance with the customs legislation that conditions violations of diverting goods from their privileged purpose as 'first-class offence' according to the article 325, Paragraph d, of the Customs Code (Law No. 17-04, 2017). It's important to note that administrative monitoring of customs interests allows for the detection of offences related to customs privileges through its oversight process, as confirmed by Article 103 of the Finance Law for 2021 (Law No. 20-16, 2020), which states:

[Without prejudice to the specific provisions provided for by the legislation in force, goods with a privileged destination having benefited from tax advantages on customs clearance may only be assigned or transferred after authorization of the operation by the authority having granted the advantage, supported by the buyer's commitment to assume the obligations of the initial beneficiary...].

C. The administration of state properties

The legislator noted in (Law No.22-18, 2022) that the investment projects qualified for the incentive scheme, specified in this law are entitled to benefit from land from the private real estate of the state. The land is granted by land entities, according to the terms and modalities provided for in the legislation and regulations in force (Article 6 of Law No. 22-18, 2022). In this context, the provisions of (Ordinance No.04-08, 2008), included the granting of concessions on lands belonging to the private property of the state and destined for the realization of investment projects under an administrative contract which prepared by the State Property Administration attached to a *book of charges*; precisely defines the investment program as well as the terms and conditions for granting the concession, where the *Wali* is considered the legal authority with the decision-making authority to grant the concession, and the *Wilaya's* director of State property, who was delegated by the Minister of Finance, prepares the concession contract, which contracts under the supervision of the State, in its name, and for its account.

D. National Social Security Funds for the Salaried and Self Employed Workers (CNAS)

With regard to the (CNAS), it's shall ensuring that the investor maintains at least the number of jobs of the same number as that which allows him to access the operating advantages term. Furthermore, the investor shall provide the Agency with a staff change certificate to be drawn up by the (CNAS) as per the model provided for in the *Exhibit II* of (Executive Decree N° 22-303, 2022). By exercising oversight over the declaration of labor force, the National Fund (CNAS) will ensure the preservation of the jobs that were to be created.

IV. Punitive measures for non-compliance with obligations and engagements:

In short, the examining of legal and regulatory texts related to the investment enables us to deduce two types of penalties, related to investors, and then the penalties applied against the administration as a result of its abuse of power.

IV.1. Sanctions against investors:

- **The agency undertakes the partial or total withdrawal of the granted benefits:**

- A decision is issued to withdraw the benefits in whole or in part, which the agency refers to all concerned administrations.
- In case of non-compliance with the obligations and engagements subscribed, the total or partial retreat of the advantages is decided on after an official notice to notify, by all means, and which remains unfruitful fifteen (15) days after the failure acknowledgement.
- The Agency may cancel by a decision, the advantages retreat decision, on the basis of the conclusions of the appeal lodged therewith, with the *High Commission for Appeals in relation to the investments* or with the competent jurisdictions (Administrative tribunals). The cancellation decision provided for in the above is notified to the administrations concerned.

- **Payment of benefits already consumed, including payment of the following:**

- Exemption from value added tax (VAT).
- Customs taxes.

IV.2. Sanctions against the administration:

- Whoever may hinder, in bad faith, by any means the investment process, is punished under the provisions of the legislation in force (Article 37 of Law No. 22-18, 2022).
- Penal sanctions in case of misappropriation of benefits or change of their original destination.
- Disciplinary penalties.
- Penal sanctions (abuse of power).

V - Conclusion:

The administrative oversight process is considered one of the important and basic functions of the management, through which we can identify that the work and activities are carried out according to what was planned. Also the advantages of administrative procedure are well known: protection of rights of parties, information gathering, sound decision-making and thus an increase in the legitimacy of the final decision, and pre-litigation remedies (Dragos, 2022, p. 364).

The main function of administrative control is to measure and correct performance in order to ensure that goals are achieved and plans are implemented correctly. In addition, real oversight is what precedes events and works to warn of expected deviations and prevent them before they occur in order to be implemented in accordance with applicable standards (Al Qaisy, 2022). In this sense, oversight in the field of investment assures every investor that his benefit from the prescribed advantages must go in parallel with the implementation of his obligations and his undertaking of what will be accomplished in accordance with the applicable laws and regulations. Therefore, when the project benefiting from the advantages deviates from the declared objectives, the necessity for administrative intervention appears to correct the course in order to reduce the imbalance and deviation that may affect the effectiveness and feasibility of investment.

As discussed, the follow-up of investments is carried out first by the Algerian Investment Agency with the aim of ensuring the implementation of investment projects, and also by the State Property Administration which will ensure the preservation of the destination of the land granted and which will be used for the implementation of investment projects. On the other hand, the National Fund for Social Security will ensure that the jobs that were to be created are maintained more or less at the same level. The Tax administration and the Customs administration shall ensure compliance with obligations and engagements throughout the period of good's consumption and acquired benefits. Finally, we can conclude and summarize some points as follows:

- The promulgation of (Law No.22-18, 2022) reflects the will of the State to position itself as a key economic player and attractive to various domestic and foreign investors by strengthening the business climate in Algeria in terms of benefits, facilities and exemptions.
- It is important to emphasize that the Algerian Investment Agency is responsible for monitoring the implementation of investment projects.
- The accompaniment and assistance refers to the guidance provided by the concerned administrations to obtain the necessary licenses and visas, and with regard to the collection of statistical information, this is done by submitting the annual report of the investment progress.
- It is important to emphasize that the legislator did not stipulate the importance and necessity of coordination between the administrations concerned with following up the investments benefiting from the advantages.
- It is important to note that weak coordination between the administrations concerned with investment follow-up inevitably leads to weak follow-up effectiveness, which was noticed before the enactment of the current investment law and its implementing texts. Therefore, the imbalances that the investment follow-up system suffered from in previous laws are still seen, especially in: industrial real estate and diverting its destination, transferring and assigning benefits without authorization, changing the field and subject of the authorized investment activity...etc.

Based on the above, it's useful to consider the following recommendations:

- It is necessary to move towards the digitization of the Tax sector, State's Property and Customs, in order to achieve transparency, combat tax evasion and divert the destination of industrial real estate from its legitimate destination.
- It is necessary to strengthen the role of oversight on-site of projects, including industrial real estate, by creating and approving project inspectors affiliated with the Agency to carry out the tasks of inspection and oversight procedures.
- It is necessary to reduce the current period of time for filing annual progress's reports, which is estimated at (1) year.

It is necessary to remove bureaucratic restrictions through effective and rapid coordination between the administrations concerned with investment monitoring, especially with regard to the time limits for responding and processing files, each in its field: State's property, Customs, Taxes, and Social Security services.

References:

- [1]. Al Qaisy, A. k. (2022). Administrative Control and Its Relationship to Making Sound Decisions. *The International Journal of Business Management and Technology* , 6 (4), 214-217.
- [2]. Article 15 of Executive Decree N° 22-302. (2022, 09 8). Setting up the Qualifying Criteria for Structuring Investments, and Modalities for Benefiting from the Operating Advantages and Evaluation Grids. Official Journal No. 60 of September 18, 2022.
- [3]. Article 2 of Executive Decree N° 22 –299. (2022, 09 8). Setting up the Modalities for Investment’s Registration, Cession or Transfer of Investments, as well as the Amount, and the Modalities of Collecting Fees for Processing Investment Applications. Official Journal No. 60 of September 18, 2022.
- [4]. Article 2 of Executive Decree N° 22-302. (2022, 09 8). Setting up the Qualifying Criteria for Structuring Investments, and Modalities for Benefiting from the Operating Advantages and Evaluation Grids. Official Journal No. 60 of September 18, 2022.
- [5]. Article 2 of Executive Decree N° 22-303. (2022, 09 8). Pertaining to the Investments Follow-Up, and to the Measures to Take in Case Of Non-Compliance with the Obligations and Engagements. Official Journal No. 60 of September 18, 2022.
- [6]. Article 24 of Law No. 22-18. (2022, 07 24). Related to Investment. Official Journal No. 50 of July 28, 2022. .
- [7]. Article 25 of Law No. 22-18. (2022, 07 24). Related to Investment. Official Journal No. 50 of July 28, 2022.
- [8]. Article 28 of Law No. 22-18. (2022, 07 24). Related to Investment. Official Journal No. 50 of July 28, 2022.
- [9]. Article 29 of Law No. 22-18. (2022, 07 24). Related to Investment. Official Journal No. 50 of July 28, 2022.
- [10]. Article 30 of Law No. 22-18. (2022, 07 24). Related to Investment. Official Journal No. 50 of July 28, 2022.
- [11]. Article 31 of Law No. 22-18. (2022, 07 24). Related to Investment. Official Journal No. 50 of July 28, 2022.
- [12]. Article 36 of Law No. 22-18. (2022, 07 24). Related to Investment. Official Journal No. 50 of July 28, 2022.
- [13]. Article 37 of Law No. 22-18. (2022, 07 24). Related to Investment. Official Journal No. 50 of July 28, 2022.
- [14]. Article 4 of Executive Decree N° 22-303. (2022, 09 8). Pertaining to the Investments Follow-Up, and to the Measures to Take in Case Of Non-Compliance with the Obligations and Engagements. Official Journal No. 60 of September 18, 2022. .
- [15]. Article 6 of Law No. 22-18. (2022, 07 24). Related to Investment. Official Journal No. 50 of July 28, 2022.
- [16]. Articles 16 & 17 of Executive Decree N° 22-302. (2022, 09 8). Setting up the Qualifying Criteria for Structuring Investments, and Modalities for Benefiting from the Operating Advantages and Evaluation Grids. Official Journal No. 60 of September 18, 2022.
- [17]. Articles 5 & 6 of Executive Decree N° 22-303. (2022, 09 8). Pertaining to the Investments Follow-Up, and to the Measures to Take in Case Of Non-Compliance with the Obligations and Engagements. Official Journal No. 60 of September 18, 2022.
- [18]. Dragos, D. C. (2022). Administrative Procedure. In A. Farazmand, *Global Encyclopedia of Public Administration, Public Policy, and Governance* (Second Edition ed.). Springer Nature.
- [19]. Executive Decree N° 22-300. (2022, 09 8). Setting up the Lists of Activities, Goods and Services Non Entitled to the Benefits as well as the Minimum Funding Thresholds for Transfer Guarantee Access. Official Journal No. 60 of September 18, 2022.

- [20]. Executive Decree N° 22-301. (2022, 09 8). Setting up the List of Localities Depending on the Areas to which the State Pays a Particular Attention as to the Investment. Official Journal No. 60 of September 18, 2022.
- [21]. Executive Decree N° 22-302. (2022, 09 8). Setting up the Qualifying Criteria for Structuring Investments, and Modalities for Benefiting from the Operating Advantages and Evaluation Grids. Official Journal No. 60 of September 18, 2022.
- [22]. Executive Decree N° 22-303. (2022, 09 8). Pertaining to the Investments Follow-Up, and to the Measures to Take in Case Of Non-Compliance with the Obligations and Engagements. Official Journal No. 60 of September 18, 2022.
- [23]. IISD. (2023, 07 11). "*Definition of Investment*". Retrieved 08 10, 2023, from A Sustainability Toolkit for Trade Negotiators: Trade and investment as vehicles for achieving the 2030 Sustainable Development Agenda, International Institute for Sustainable Development: <https://www.iisd.org/toolkits/sustainability-toolkit-for-trade-negotiators/5-investment-provisions/5-2-definition-of-investment/>
- [24]. Kovac, M. (2019). Administrative Procedure. In A. Marciano, & R. B. Giovanni, *Encyclopedia of Law and Economics* (p. 39). Springer.
- [25]. Law No. 17-04. (2017, 02 16). amending and supplementing Law No. 79-07 of July 21, 1979 on the Customs Code. Official Journal No. 11 of February 16, 2017.
- [26]. Law No. 20-16. (2020, 12 31). Finance Law for 2021. Official Journal No. 83 of December 31, 2020.
- [27]. Law No.22-18. (2022, 07 24). Related to Investment. Official Journal No. 50 of July 28, 2022.
- [28]. OECD. (2016). *Integrity Framework for Public Investment*. Paris: OECD Public Governance Reviews, OECD Publishing.
- [29]. Ordinance No.04-08. (2008, 09 1). Sets the Conditions and Modalities for Granting Concessions on Lands Belonging to the Private Property of the State Destined for the Realization of Investment Projects. Official Journal No. 49 of September 3, 2008.
- [30]. The Encyclopedia Britannica Glossary. (2023, 03 24). "*investment*". Retrieved 08 2, 2023, from Britannica Money: <https://www.britannica.com/money/investment>