

DECLARATION OF NON-INTERVENTION ASSESSMENT

Based on Algerian Competition Law - Order 03-03

SECTION 1: TRUE/FALSE QUESTIONS

Instructions: Read each statement carefully. Determine if the statement is True or False based on the provided legal texts (Order 03-03 and Executive Decree 05-175). Click "Show Justification" to verify your answer.

1. The Declaration of Non-Intervention is primarily a corrective procedure initiated after a violation has been detected.

TRUE FALSE

▼ *Show Justification*

FALSE. It is a *preventive* mechanism allowing enterprises to verify compliance *before* implementation. Its goal is to confirm that proposed practices do not violate competition rules. Corrective procedures apply to exemptions or enforcement actions.

Ref: Comparative Table 1 (Timing/Objective)

2. The legal basis for the Declaration of Non-Intervention is found in Article 9 of Order 03-03.

TRUE FALSE

▼ *Show Justification*

FALSE. The Declaration of Non-Intervention is based on **Article 8** of Order 03-03 and Executive Decree 05-175. Article 9 relates to "Exemptions" for restrictive practices that produce economic benefits.

Ref: Comparative Table 1 (Legal Basis)

3. Unlike the Consultation mechanism, the Declaration of Non-Intervention provides binding legal protection (immunity) from future prosecution for the declared practices.

TRUE FALSE

▼ *Show Justification*

TRUE. A key distinction is that the Declaration of Non-Intervention results in a "negative attestation" that offers legal protection/immunity for the specific practices described. Consultation (Art. 35) provides a non-binding advisory opinion.

Ref: Comparative Table 2 (Legal Effect)

4. Any entity, including consumer associations and local communities, can submit a request for a Declaration of Non-Intervention.

TRUE FALSE

▼ *Show Justification*

FALSE. The right to request a Declaration of Non-Intervention is **exclusively** reserved for enterprises (as defined in Art 3 of Order 03-03). Consultation, however, is open to a wider range of beneficiaries including government bodies and associations.

Ref: Comparative Table 2 (Beneficiaries); Decree 05-175 Art 3

5. The request for a Declaration of Non-Intervention is subject to a fee of 50,000 DA.

TRUE FALSE

▼ *Show Justification*

TRUE. According to Article 5 of Decree 05-175, the procedure is subject to fees according to an established scale, specifically 50,000 DA.

Ref: Comparative Table 2 (Fees)

6. The European equivalent of this system (Regulation 17-62) was abolished in 2004 because it was considered too bureaucratic and replaced by a self-assessment system.

TRUE FALSE

▼ *Show Justification*

TRUE. The system originated in European Regulation 17-62 but was abolished by Regulation 1/2003 (effective May 1, 2004) to reduce administrative burden and shift to self-assessment.

Ref: [Historical Overview \(First Branch\)](#)

7. To obtain a Declaration of Non-Intervention, an enterprise must prove that the agreement leads to economic or technical progress.

TRUE FALSE

▼ *Show Justification*

FALSE. This is a requirement for **Exemption** (Art 9). For a Declaration of Non-Intervention (Art 8), the enterprise only needs to prove that the practice does *not* violate competition rules (i.e., it has no restrictive object or effect). Compensatory benefits are not required.

Ref: [Comparative Table 1 \(Requirements\)](#)

8. The Declaration of Non-Intervention is a frequently used mechanism in Algeria, with dozens of cases recorded annually.

TRUE FALSE

▼ *Show Justification*

FALSE. It is extremely rare. The document notes that there have been no recorded cases of its practical use since 2003 due to its complexity.

Ref: [Conclusion / Summary Table \(Practical Usage\)](#)

9. The request file must be deposited with the General Secretariat of the Competition Council.

TRUE FALSE

▼ *Show Justification*

FALSE. The file is deposited with the "Directorate of Procedures and Follow-up of Files and Disputes," not the General Secretariat.

Ref: Decree 05-175 Art 5 (Second Branch: Filing)

10. The rapporteur investigating the request may seize documents and demand information without being blocked by professional secrecy.

TRUE FALSE

▼ *Show Justification*

TRUE. The rapporteur has broad investigative powers and cannot be opposed by professional secrecy, though enterprises can request that specific documents be treated as "business confidential."

Ref: Decree 05-175 Art 6

11. A Declaration of Non-Intervention can be requested for practices related to public procurement.

TRUE FALSE

▼ *Show Justification*

TRUE. Since public procurement falls within the scope of competition law (Art 2 of Order 03-03) and the definition of enterprise activities is broad, it is eligible, provided the practice relates to agreements or dominance.

Ref: Order 03-03 Art 2 (Scope of Application)

12. If a request is submitted jointly by multiple enterprises, each enterprise must submit a separate file.

TRUE FALSE

▼ *Show Justification*

FALSE. If the request is joint, **only one file** may be submitted.

Ref: Decree 05-175 Art 6

13. The Declaration of Non-Intervention covers practices defined in Articles 6 (Agreements) and 7 (Dominance) of Order 03-03.

TRUE FALSE

▼ *Show Justification*

TRUE. The scope is specifically limited to verifying that practices do not fall under the prohibitions of Articles 6 and 7.

Ref: Comparative Table 1 (Scope)

14. The procedure for Consultation is considered more complex and requires a more detailed economic analysis than the Declaration of Non-Intervention.

TRUE FALSE

▼ *Show Justification*

FALSE. The Declaration of Non-Intervention is the one with "High" complexity requiring a complete file and in-depth economic analysis. Consultation is a "Simplified procedure" with low complexity.

Ref: Summary Table of Key Distinctions (Complexity Level)

15. Foreign enterprises cannot request a Declaration of Non-Intervention unless they have a registered office in Algeria.

TRUE FALSE

▼ *Show Justification*

FALSE. Foreign enterprises *can* submit a request, but they must indicate an **address** for service in Algeria (not necessarily a registered office/HQ, but a valid address for correspondence).

Ref: Decree 05-175 Art 3

16. The "Negative Certificate" is another term used to describe the Declaration of Non-Intervention.

TRUE FALSE

▼ *Show Justification*

TRUE. Jurisprudence often refers to it as a "negative certificate" (or negative attestation) because the Council certifies that there are *no* grounds for intervention.

Ref: Second Branch (Jurisprudential Definition)

17. Once granted, the Declaration of Non-Intervention is valid indefinitely, regardless of changes in market conditions.

TRUE FALSE

▼ *Show Justification*

FALSE. Its validity is conditional. It remains valid only as long as the circumstances described in the request remain unchanged.

Ref: Comparative Table 1 (Duration)

18. The document recommends prioritizing the Consultation mechanism (Art 35) over the Declaration of Non-Intervention.

TRUE FALSE

▼ *Show Justification*

TRUE. Due to the complexity and lack of use of the Declaration, the document recommends using Consultation as it is more effective, accessible, and less costly.

Ref: Conclusion (Main recommendation)

19. Lawyers submitting requests on behalf of clients are exempt from providing a power of attorney document.

TRUE FALSE

▼ *Show Justification*

TRUE. According to Art 22 of the Internal Regulations and Art 06 of Law 13-07, lawyers are exempt from the power of attorney requirement, though they must certify copies.

Ref: Second Branch (Filing - Art 22 Decision)

20. The Declaration of Non-Intervention allows the Council to "legalize" a restrictive practice that violates competition rules if it serves the public interest.

TRUE FALSE

▼ *Show Justification*

FALSE. That is the definition of an **Exemption**. The Declaration of Non-Intervention is only for practices that do *not* violate the rules. It cannot validate a violation.

Ref: Summary Table (Primary Purpose)

SECTION 2: MATCHING EXERCISES

Table 1: Legal Terminology & Definitions

Match the legal term on the left with its correct definition on the right.

Term	Definition
1. Declaration of Non-Intervention	A. A mechanism allowing restrictive practices that provide economic or technical progress, authorized by the Council.
2. Exemption	B. A document confirming that a specific practice does not violate competition rules (Article 6 & 7).
3. Consultation	C. An advisory opinion provided by the Council regarding the interpretation of competition rules; non-binding.
4. Negative Certificate	D. A term often used synonymously with Declaration of Non-Intervention in jurisprudence.
5. Enterprise (Art 3)	E. Any natural or legal person permanently exercising production, distribution, service, or import activities.

Answer Key Table 1:

- 1 - B (Confirms no violation)
- 2 - A (Authorizes restrictive practices)
- 3 - C (Advisory opinion)
- 4 - D (Synonym)
- 5 - E (Definition of beneficiary)

Table 2: Legal Articles & Purposes

Match the Article from Order 03-03 with its specific legal function.

Legal Article	Purpose/Function
1. Article 8	A. Defines prohibited agreements and cartels.
2. Article 9	B. Establishes the general consultative mechanism for the Council.
3. Article 35	C. Provides the legal basis for the Declaration of Non-Intervention.
4. Article 6	D. Defines abuse of dominant position.
5. Article 7	E. Allows for exemptions based on economic progress.

Answer Key Table 2:

- 1 - C (Basis for Non-Intervention)
- 2 - E (Exemptions)
- 3 - B (Consultation)

4 - A (Agreements)

5 - D (Dominance)

Table 3: Key Characteristics Comparison

Match the characteristic to the correct legal mechanism (Declaration of Non-Intervention, Exemption, or Consultation).

Characteristic	Associated Mechanism / Detail
1. Binding Immunity	A. Consultation (Low complexity, simplified procedure).
2. "Positive" Authorization	B. Declaration of Non-Intervention (Protects against future prosecution for declared facts).
3. Simplified Procedure	C. Declaration of Non-Intervention (50,000 DA).
4. Fee of 50,000 DA	D. Exemption (Allows a restriction because benefits outweigh harm).
5. Abolished in EU (2004)	E. The system of notification/non-intervention (replaced by self-assessment).

Answer Key Table 3:

1 - B (Non-Intervention offers immunity)

2 - D (Exemption is a positive authorization)

3 - A (Consultation is simplified)

4 - C (Non-Intervention fee)

5 - E (EU Regulation history)