

Pre-Intervention Commitment to Prior Self-Control on Product Conformity

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Abstract:

This research paper delves into the imperative commitment of pre-intervention self-control with regard to product compliance, a pivotal responsibility entrusted to all stakeholders engaged in the process of product introduction for

consumption. Each stakeholder bears the onus of rigorously assessing the product's harmonization and responsiveness to not only technical regulatory stipulations but also distinctive requirements encompassing environmental considerations, health, safety, and security aspects. Any divergence from compliance prompts a comprehensive scrutiny of the pre-compliance self-control measures, irrespective of the underlying intention.

Keywords: *The Intervener; self-control; Product conformity; technical regulations; specific requirements.*

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Introduction:

A diligent scholar and careful observer of consumer protection law and the suppression of fraud, as well as the regulatory texts issued under it, recognizes the legislature's keenness to consistently provide protection for the consumer. In contrast, the intervening party is viewed as the stronger entity in the relationship between them and the consumer. In order to restore balance and enhance protection in this relationship, the legislator, pursuant to Law 09-03 related to consumer protection and fraud suppression amended and supplementary, has established a series of obligations incumbent upon the intervening party.

Among these obligations is the requirement for product conformity. In this regard, the legislator has mandated that the intervening party conduct a prior self-monitoring of its products before they are made

available for consumption. This self-monitoring is based on the product's adherence to the conditions outlined in technical regulations, as well as its specific requirements, such as those pertaining to environmental, health, safety, and security considerations. This obligatory procedure must be undertaken by every intervening party prior to presenting their product in the market.

The significance of enforcing compliance with this type of control lies in its broadening and expanding of the sphere of responsibility to encompass all those involved in presenting products for consumption. This is all within the framework of the legislator's commitment to provide ancestral protection for the consumer, thereby avoiding the introduction of non-conforming products. The legislator, however, did not stop at this; rather, they also incorporated a deterrent aspect that criminalizes the direct violation of the mandatory requirement for prior self-monitoring and product conformity.

Building upon the foregoing, the study of the subject of the intervening party's commitment to prior self-monitoring for product conformity raises the following issue:

- **The effectiveness of the prior self-monitoring exercised by the intervening party in ensuring product conformity?**

To address the study topic and the problematic outlined above, we will rely on the following plan:

Chapter I: Obligating the Intervening Party to Conduct Product Conformity Monitoring Before Its Introduction to the Market

Chapter II: Secondly: Pre-Self-Compliance Control Standards for Products

Chapter III: Thirdly: Criminalization of Non-Compliance with Mandatory Pre-Market Self-Conformity Assessment for Products.

And this will be achieved through the following:

Chapter I: Obligating the Intervening Party to Conduct Product Conformity Monitoring Before Its Introduction to the Market

The first paragraph of Article 12 of Law No. 09_03, related to Consumer Protection and Combating Fraud, stipulates: "**Every party involved is required to conduct conformity checks on the product before its presentation for consumption, in accordance with the prevailing legislative and regulatory provisions.**"

Consequently, this article demonstrates that Algerian legislation

mandates parties involved to perform conformity checks on products before they are made available for consumption. This concept, as intended in this study, pertains to pre-self-assessment conformity on the product.

The question raised here is about the entity subject to this scrutiny, the definition of conformity, and the stages or processes involved in presenting products for consumption. Addressing these inquiries will contribute to clarifying the scope of this study for the reader, avoiding confusion in its terminology.

Thus, the party in question in this context refers to any natural or legal person involved in the process of presenting products for consumption. This process encompasses various stages, including production, importation, storage, transportation, wholesale, and retail distribution.⁽¹⁾

On one hand, the entities subject to pre-self-assessment conformity are all those involved in the process of product presentation for consumption, including producers, importers, storers, transporters, as well as distributors, whether operating at the retail or wholesale level.

On the other hand, the concept of "**conformity**" as intended is defined in Article 03, Paragraph 18 of Law No. 09_03, stating that it involves "**the compliance of any product intended for consumption with the conditions specified in the technical regulations, as well as health, environmental, safety, and security requirements specific to it.**"

Therefore, we can conclude that the party involved is obligated to assess both the extent to which the product adheres to the conditions outlined in the technical regulations and its alignment with its health, environmental, safety, and security requirements. We will strive to clarify these aspects in the subsequent sections.

1-Obligation to Investigate Conformity of the Product with Conditions Specified in Technical Regulations.

By this, we mean ensuring the compliance of every product intended for consumption with the conditions outlined in the technical regulations⁽²⁾. Article 02, Paragraph 07 of Law No. 16_04 related to Standardization⁽³⁾, defines "Technical Regulations" as "documents specifying the characteristics of a particular product or the processes and production methods related to it, including the applicable system, and compliance with these is mandatory.



Furthermore, such regulations may encompass, either partially or entirely, the terminologies, symbols, or conditions within the realm of packaging, distinctive features, or labeling for a specific product, process, or method of production.

The Technical Regulations may stipulate the obligatory nature of a standard or a part thereof."

From the aforementioned article, the Algerian legislator's definition of a technical regulation becomes evident, which we will elaborate on in the following points:

- A technical regulation is a document containing characteristics related to the product.
- A technical regulation is fundamentally obligatory in its application, meaning compliance is mandatory and not a matter of choice.
- It may partially or entirely address terminology, symbols, packaging requirements, distinctive features, or labeling for a specific product, process, or method of production.
- The standard is essentially optional in its application; however, exceptions allow a technical regulation to make a standard or part thereof obligatory. This addition was made by the legislator through an amendment to Article 2, Paragraph 3, of Law 16-04 related to Standardization.

In a related context, we note that the definition of conformity in Article 03, Paragraph 18 of Law No. 09_03, primarily focused on technical regulations rather than standards⁽⁴⁾. This signifies that the commitment to ensuring product conformity under this article is limited to compliance with technical regulations, excluding standards. This alignment corresponds to the fact that standards are optional, unlike technical regulations, which are obligatory and must be adhered to⁽⁵⁾.

However, the question posed here is: How can the involved party investigate the extent to which the product complies with the conditions specified in the technical regulations?

In this regard, the investigation revolves around assessing the product's conformity with the conditions outlined in the technical regulations through the use of a "Conformity Mark for Technical Regulations." This mark serves as an indication that the product meets the specified protection levels outlined in the technical regulations⁽⁶⁾.

It's important to note that the Conformity Mark for Technical Regulations is mandatory for all products subject to one or more Algerian technical regulations, whereas the Conformity Mark for national standards is a voluntary certification of quality⁽⁷⁾.

The use of the "M J" mark, signifying "**Algerian Conformity**"⁽⁸⁾, is the sole marking that attests to a product's conformity with the technical regulations specified for its placement. This mark is only applied to products for which the technical regulations require its use, and the "M J" mark can only be affixed after the issuance of a conformity certificate⁽⁹⁾.

What confirms the obligatory nature of the involved party's commitment to pre-self-assessment conformity of the product is outlined in Article 15 of Executive Decree No. 17_62, which pertains to the conditions for affixing the Conformity Mark for Technical Regulations, its characteristics, and the procedures for certification of conformity. This article stipulates: "**The 'M J' mark shall be affixed to the product before placing it on the market.**"

When the "M J" mark is affixed or required to be affixed, the manufacturer signifies that they guarantee the product's conformity with all applicable and specified conditions outlined in the technical regulations that mandate its use⁽¹⁰⁾.

2- The Obligation of Investigating Product Compliance with Its Specific Requirements:

Article 03, paragraph 05 of Law 09-03, concerning consumer protection and the suppression of fraud, stipulates the definition of "specific requirements" as follows: "**Specific requirements refer to the entirety of technical specifications for a product, linked to consumer health and safety, as well as the integrity of transactions, all of which are delineated by regulatory provisions and are obligatory to uphold.**"

Consequently, in this context, we shall elucidate the extent to which the product complies with its specific environmental, health, safety, and security requirements, in accordance with the provisions outlined in Article 18, paragraph 3 of the Consumer Protection Law, as it defines conformity.

Section A: Legislative Adoption of Standardization:

In this section, we will clarify the legal meaning of standardization and also identify the standardization entities adopted by the state at the



national level in the standardization system. This will be accomplished through the following:

Subsection A-1: Legal Definition of Standardization

Algerian legislation, as outlined in Article 2, paragraph 1 of Law No. 04-04, and subsequently amended by Article 2 of Law 16-04, defines standardization as: **"The specific activity centered around the establishment of commonly accepted and recurrent provisions, aimed at addressing real or potential challenges, with the ultimate objective of achieving an optimal degree of regulation within a defined framework."** This definition emphasizes a general perspective, abstaining from explicit elaboration on the characteristics or methodologies of standardization's role in regulation, such as the formulation of standardization documents encompassing standards and attributes, as outlined by the legislation concerning standardization.

By comparison, the French legislative definition offers greater precision and clarity. In the French context ⁽¹¹⁾, standardization is defined as: **"A public-interest endeavor whose purpose is to provide reference documents, meticulously formulated through consensus among all relevant stakeholders. These documents encompass regulations, defining characteristics, informed recommendations, or exemplary instances of best practices, across products, services, methodologies, processes, and organizational structures"**⁽¹²⁾.

In our persistent endeavor to articulate the definition of standardization, we observe that the Algerian legislature, through the initial paragraph of the aforementioned Article 2, and subsequently amended under Law 16-04 concerning standardization, has introduced modifications. Notably, the legislature removed the second section of the article, which had been stipulated in accordance with Law 04-04. This section previously indicated: **"...providing reference documents containing solutions to technical and commercial issues pertaining to products, goods, and services recurrently presented among economic, scientific, technical, and social partners"**.

Through the Algerian legislature's removal of this section from Article 2, the article has become analogous and consistent with the

provisions outlined in the repealed Law 89-23⁽¹³⁾, which pertained to standardization.

The obscurity and deficiency that shroud the definition of standardization can potentially be addressed by the Algerian legislator through the omission of this section from the article. It would be advisable for the legislator to uphold the definition stipulated in the first paragraph of Article 2 of Law No. 04-04 pertaining to standardization, as it stood before its modification.

Section A-2: National Standardization Bodies

This refers to the institutions vested with the authority and responsibility by the Algerian legislator to prepare, organize, and establish standardization documents at the national level, as outlined in the standardization law and all related regulations. The Algerian legislator has identified these bodies under Article 2 of Executive Decree No. 05-464⁽¹⁴⁾, which regulates standardization and its procedures. These standardization bodies include:

The National Standardization Council

The Algerian Institute of Standardization⁽¹⁵⁾

National Technical Committees

Entities engaged in standardization activities

Ministries within their scope of technical list preparation activities

Section B: Conformity Assessment Stages

In this section, we will elucidate the stages contained in the conformity assessment process, as follows:

Subsection B-1: Preparation of Technical Lists

Initially, it should be noted that the concept of a technical list has been elucidated in the first section of the study. The following will elaborate on the methodology for preparing these technical lists, which are subject to due reverence.

In a related context, Article 11 of Law No. 04-04, amended by Article 05 of Law No. 16-04, stipulates that "**technical lists are prepared by the relevant ministerial departments**" Through this article, it becomes evident that the legislator has entrusted the task of drafting these technical lists to the concerned ministerial departments, as per the latest amendment to the standardization law.

Regarding the procedural methodologies for the preparation of technical lists, the process commences with the initiative of formulating draft technical lists⁽¹⁶⁾ by the relevant ministerial



departments⁽¹⁷⁾. These draft technical lists are then mandatorily submitted to the National Standardization Body⁽¹⁸⁾, referred to here as the Algerian Institute of Standardization. Furthermore, disseminating the draft technical lists, or those that have been published, to the point of contact for technical trade barriers within the Algerian Institute of Standardization is imperative. This dissemination aims to inform all relevant stakeholders so they can provide potential observations⁽¹⁹⁾.

It is essential that the technical lists are founded upon the product's requirements, considering the specifics of its usage, rather than its design or descriptive characteristics⁽²⁰⁾.

After notifying the draft technical lists, a period of public inquiry follows, which does not exceed sixty (60) days. During this period, concerned parties provide their observations on the draft technical list. Although the legislator retained the public inquiry period, it eliminated the timeframe⁽²¹⁾ through the removal of Article 25 from Executive Decree No. 05-464, as per Article 3 of Executive Decree No. 16-324.

Following this, the technical list is adopted by a joint decision between the Minister responsible for standardization and the relevant ministers. The full technical list is then published in the Official Gazette of the People's Democratic Republic of Algeria⁽²²⁾.

Subsection B-2: Product Conformity Assessment

Article 2, first paragraph of Executive Decree No. 17-62, pertaining to the conditions for placing conformity labels on technical lists and their characteristics, as well as conformity certification procedures, defines product conformity assessment as: "Verifying that the requirements related to the product, process, system, individual, or entity have been respected." The process of product conformity assessment is conducted according to the activity required, utilizing laboratories, inspection bodies, as well as conformity certification bodies⁽²³⁾.

Thus, product conformity assessment procedures encompass any direct or indirect measures taken to ensure compliance with the fundamental specifications of the technical lists. These procedures encompass sampling, testing, inspection, assessment, verification, conformity assurance, registration, accreditation, certification, and compilation⁽²⁴⁾.

Moreover, the legislator has defined the various levels and

procedures of conformity assessment through a ministerial decree dated March 29, 2017. This decree, which delineates different levels and procedures of conformity assessment, has detailed these levels in the attached appendix. These levels consist of five tiers of conformity assessment:

Level A: Internal manufacturing control

Level B: Type examination

Level C: Product-level verification

Level D: Unit verification

Level E: Total quality assurance⁽²⁵⁾

Subsection B-3: Certification of Product Conformity to Standardization Documents

This certification refers to an activity carried out by a distinguished body separate from the manufacturer, importer, seller, service provider, or client. It attests that a product, service, or even a combination of products and services, complies with the characteristics outlined in a document referred to as a reference⁽²⁶⁾.

Certification of conformity, known as "**la certification de conformité**" is defined as the verification carried out by another neutral and official entity regarding the conformity of a product, for processes, or procedures to one or several standards⁽²⁷⁾.

Similarly, the Algerian legislator has defined it according to Article 2, Paragraph 09 of Law No. 04-04, amended and supplemented, as "an activity aimed at granting a certificate by a qualified third party that proves the conformity of a product, service, individual, or management system to technical lists, specifications, standardization documents, or the applicable reference"⁽²⁸⁾.

From the aforementioned definition, the following conclusions can be drawn:

The certification of conformity is an activity resulting in the issuance of a conformity certificate, and this certificate is within the jurisdiction of a qualified third party with this role⁽²⁹⁾ Furthermore, this conformity certificate validates the accuracy of conformity for a product, whether it is a service, an individual, or a management system. This conformity applies to technical regulations, specifications, or the currently effective reference.

Likewise, the legislator has defined certification of conformity for products through the fourth paragraph of Article 2 of Executive



Decree No. 17-62, which outlines the conditions for placing the conformity label on technical regulations and characteristics, as well as the procedures for certification of conformity, stating that 'Certification of conformity is recognized for a product as confirming that the said product is in compliance with specific attributes or pre-defined regulations, subject to meticulous monitoring'.

By 'specific attributes' and 'pre-defined regulations' subject to meticulous monitoring, it is understood as the collection of conditions, characteristics, features, and procedures encompassed within standardization documents. Thus, certification of conformity for products is the sole means to ensure alignment of products with the specified safety requirements outlined in standardization documents⁽³⁰⁾.

Chapter II: Secondly: Pre-Self-Compliance Control Standards for Products

The legislator did not limit the requirement for product conformity control solely before its introduction to the market by each stakeholder; rather, it also went on to establish pre-self-compliance control standards for products, according to Article 12, Paragraph 2 of Law No. 09-03, which pertains to consumer protection.

One might wonder to what extent stakeholders are expected to exercise this self-compliance control to prove that the conformity verification process has been fulfilled⁽³¹⁾.

We will outline these standards as follows:

1-The nature of the operations conducted by stakeholders, depending on the scale and variety of products they offer for consumption.

A. Pre-Self-Compliance Control for Local Products (of National Origin):

Concerning locally manufactured products, manufacturers are required to ensure the conformity of the products they produce before introducing them to the market. This is referred to as internal control (self-inspection). This control is carried out under the responsibility of the manufacturer, either using their own means or by enlisting the services of a specialized third party⁽³²⁾.

Article 2 of Executive Decree No. 92-65⁽³³⁾, which pertains to the control of conformity of locally produced or imported materials, stipulates that "**participants in the production, importation, and**

distribution of food products and industrial goods must conduct quality analysis and monitor the conformity of the materials they produce and/or trade in, either by themselves or by enlisting a third party to do so. Locally produced or imported materials must undergo quality analysis and conformity monitoring before being introduced to the market."

This requirement is also endorsed by Article 09 and Article 15 of Executive Decree No. 17-62, which pertains to conditions for placing conformity labels on technical lists and their characteristics, as well as conformity certification procedures. The delivery of a conformity certificate and/or the product label or packaging with the conformity mark (if required by the technical list) signifies conformity with the technical lists. Additionally, it is mandatory to affix the "CE" mark on the product before placing it on the market. This falls under the realm of pre-self-compliance control that must be exercised by stakeholders before introducing the product to the market.

B. Pre-Self-Compliance Control for Imported Products:

Concerning imported products, they must be accompanied by documents issued by the supplier, attesting with precision that the obtained product complies with the approved standards and the legal and regulatory specifications associated with it⁽³⁴⁾.

Therefore, importers must refrain from trading in products in the national market if those products are not marketed in their country of origin due to non-conformity⁽³⁵⁾.

Pre-Self-Compliance Control by Importers before Entry of Imported Products:

Article 08 of Law No. 04-04, related to standardization, stipulates that **"national technical regulations and standards shall be non-discriminatory in their application to products imported from any other member state..."** In other words, within the context of implementing self-compliance control by importers, the same requirements apply to imported products as to domestic products. This includes verifying the product's conformity certificate and labeling.

However, a question arises regarding the recognition of conformity assessment bodies in the country of origin. Therefore, a product's conformity certificate for technical regulations is only valid if issued by qualified bodies authorized by the relevant ministerial departments. Conformity certificates for technical regulations can also be issued by



conformity assessment bodies recognized and approved in the country of origin, under the framework of mutual recognition agreements⁽³⁶⁾.

Consequently, it can be inferred that the process of self-compliance control for imported products by importers involves ensuring that these products obtain a conformity certificate for the technical regulations from recognized bodies in the country of origin. Moreover, it requires verifying the national recognition of this certificate⁽³⁷⁾.

Pre-Self-Compliance Control by Distributors after Authorization for Entry and before Presentation:

While the primary responsibility for compliance rests with the manufacturer or importer, distributors play a role in ensuring that products offered for sale conform to the relevant rules, notably by verifying the absence of any apparent defects in the product⁽³⁸⁾.

Distributors are responsible for adhering to product safety rules in the market, especially by:

Maintaining necessary documents to track and provide products.

Sharing information about registered or reported hazards associated with the products with manufacturers or importers.

Participating in measures taken by manufacturers, importers, and qualified authorities to prevent hazards⁽³⁹⁾.

Post-Presentation Pre-Self-Compliance Control:

Producers, importers, and service providers must make all necessary information available to consumers, allowing them to avoid potential hazards associated with the consumption or use of the product or service throughout its normal or reasonably expected lifespan. This includes:

Marking the packaging with identification, contact details, product reference, batch number, and/or production date, as well as the country of origin.

Informing distributors about the monitoring of their products.

Maintaining a record of complaints, as needed⁽⁴⁰⁾.

2-Means Required by the Stakeholder to Fulfill Their Expertise:

Article 3 of Executive Decree No. 92-65, related to controlling conformity of locally produced and imported materials, states that **"the manufacturer shall rely on suitable physical means and involve qualified users, particularly, biologists, chemists, industrial pharmacists, engineers, technologists, and, in general,**

users holding certificates attesting to the qualifications required to perform the necessary quality analysis and conformity control for the produced materials, before introducing them to the market."

3-Accepted Rules and Customs:

Conformity control must be conducted in light of the prevailing regulatory provisions related to the product, or based on recognized rules and customs if the product is not subject to specific legal regulations⁽⁴¹⁾. Executive Decree No. 12-203, which concerns rules applied in the field of product safety, specifies elements of conformity control for product safety in Article 8 as follows: **"In the framework of product safety conformity control, particular consideration is given to the characteristics of the product or service, including its conditions of use, the impact of the product or service on the environment, product presentation, potential alerts and instructions for use, as well as all other relevant data. Consumer groups exposed to risk during the use of the product or service are also taken into account."**

Chapter III: Thirdly: Criminalization of Non-Compliance with Mandatory Pre-Market Self-Conformity Assessment for Products.

Each stakeholder is enjoined to engage in the obligatory pre-market self-conformity assessment of a product prior to its exposure for consumption, pursuant to the provisions enshrined within Article 12 of Legislation 09-03 concerning the safeguarding of consumer interests and the suppression of fraudulent practices.

In response to the imposition of this mandate upon the parties involved, the legislator has instituted penal consequences for any transgressions involving the neglect of adherence to the stipulated mandatory pre-market self-conformity assessment, as elucidated in the aforementioned Article 12. Article 74 of Legislation 09-03 explicitly stipulates that **"Any individual found contravening the mandatory requirement of pre-market self-conformity assessment, as prescribed under Article 12 of this legislation, shall be subject to financial penalties ranging from fifty thousand Algerian Dinars (DZD 50,000) to five hundred thousand Algerian Dinars (DZD 500,000)"**.

Furthermore, the intervening party cannot claim exemption from the obligation to investigate the conformity of the product based on or in adherence to the control carried out by the agents stipulated in



Article 25 of Law No. 09-03. This exemption is explicitly negated by the concluding paragraph of Article 12 of Law No. 09-03, which affirms that "the control conducted by the agents specified in Article 25 of this law does not exempt the intervening party from the obligation to investigate the conformity of the product before it is offered for consumption, in accordance with prevailing regulatory provisions."

Conclusion:

In conclusion, our examination of the topic of prior self-censorship concerning product conformity has led us to the following conclusions in this research paper:

Findings:

-The Algerian legislator has recognized a mandatory procedure known as "**prior self-monitoring**" which every intervening party must perform before introducing their product to the market. This obligation is not limited to producers alone; it extends to all participants involved in the process of product placement for consumption. Such an approach widens the realm of responsibility and legal recourse for each participant without the burden of tracing the product's entire journey.

-Our study of legal provisions also reveals that the legislator has meticulously established measures for prior self-control to ensure that product conformity aligns with the safety and security standards outlined in standardization documents. This is aimed at curbing the introduction of non-conforming products into the market.

-The imposition of prior self-censorship varies depending on the nature of the product, whether it is domestically produced or imported, provided that such measures are carried out in a non-discriminatory manner.

-The intervening party remains bound by the obligation to assess the product's conformity before it is made available for consumption, and this obligation cannot be evaded under the pretext of administrative control.



Suggestions:

-Despite the Algerian legislature's stance on making the application of specifications non-mandatory as a basis, this approach may dilute the positive impacts resulting from their implementation. It would be prudent for the legislator to consider mandating the application of certain specifications, if not all, and to reference these specifications explicitly in defining conformity, akin to regulatory provisions.

-Despite the array of regulatory measures, the prevalence of non-conforming products in the market poses a significant risk to consumer safety. Hence, a synchronized interplay between administrative oversight and self-monitoring is imperative to enhance the quality of products and ensure consumer safety.

Referrals and References:

⁽¹⁾- Referred Article 03 paragraphes 07 and 08 of loi N° 09-03 relative à la protection du consommateur et à la répression des fraudes. (JO N° 15 du 08-03-2009) modifiée et complétée, la loi N° 18-09 relative à la protection du consommateur et à la répression des fraudes (JO N° 35 du 25 février 2018).

⁽²⁾- This was approved by Article 03, Paragraphe 18, of loi N 09-03 relative à la protection du consommateur et à la répression des fraudes modifiée et complétée. Aforementioned référence.

⁽³⁾- Loi n° 16-04 du 14 Ramadhan 1437 correspondant au 19 juin 2016 modifiant et complétant la loi N° 04-04 du 5 Joumada El Oula 1425 correspondant au 23 juin 2004 relative à normalisation. (Journal Officiel De La République Algérienne N° 37).

⁽⁴⁾- وذلك بخلاف ما كان معمول به في ظل القانون رقم 02-89 المتعلق بحماية المستهلك (الملغى)، في المادة 03 منه بحيث كان ينص على المواصفات والتنظيمات على حد سواء.

⁽⁵⁾- عياض محمد عماد الدين، عقد الاستهلاك في التشريع الجزائري، أطروحة مقدمة لنيل درجة دكتوراه في الحقوق، قسم القانون الخاص، كلية الحقوق والعلوم السياسية، جامعة البليدة 2، السنة الجامعية 2016/2015، ص 390.

⁽⁶⁾- referred Article 02 paragraphes 13 loi n° 16-04 relative à normalisation. Aforementioned référence.

⁽⁷⁾- Referred Article 19 bis loi n° 16-04 relative à normalisation. Aforementioned référence

⁽⁸⁾- It is a logo in the form of a simple, balanced and clear symbol represented by the two letters in the Arabic language “م-ج” forming a circle in the middle of a white coupon (Article 02 Arêté du Aouel Rajab 1438 correspondant au 29 mars 2017 fixant le logo et les caractéristiques techniques matérialisant le marquage obligatoire).

⁽⁹⁾- Article 12 et 14 Décret exécutif N° 17-62 du 10 Joumada EL Oula 1438 correspondant au 7 février 2017 relatif aux conditions et aux caractéristiques



d'apposition de marquage de conformité aux règlements techniques ainsi que les procédures de certification de conformité (J O R A N° 09).

⁽¹⁰⁾- Article 16 Décret exécutif N° 17-62 relatif aux conditions et aux caractéristiques d'apposition de marquage de conformité aux règlements techniques ainsi que les procédures de certification de conformité. Aforementioned reference.

⁽¹¹⁾- بن لحرش نوال، النظام القانوني للتقييس ودوره في ضمان أمن المنتجات في التشريع الجزائري، رسالة مقدمة لنيل شهادة دكتوراه علوم في القانون العام، فرع التنظيم الاقتصادي، قسم القانون العام، كلية الحقوق، جامعة الإخوة منتوري قسنطينة-1، السنة الجامعية 2019-2020، ص 35.

⁽¹²⁾- Droit de la consommation. YVES Picod et Nathalie Picod⁵, éditions Dalloz 2021, P 457

⁽¹³⁾- Loi N° 89-23 du décembre 1989 relative à la normalisation. (J O N° 54). Canceled

⁽¹⁴⁾- Décret exécutif N° 05-464 du 4 Dhou EL Kaada 1426 correspondant au décembre 2005 relatif à l'organisation et au fonctionnement de la normalisation. (J O N° 80) modifiant et complétant décret exécutif N°16-324 du 13 Rabie El Aouel 1438 correspondant au 13 décembre 2016 (J O N° 73).

⁽¹⁵⁾- IANOR It is a national body for standardization, and it plays a key role in developing Algeria's economic activity. See the website of the Algerian Institute for Standardization: www.ianor.dz (27-07-2023/ 23: 55)

⁽¹⁶⁾- The draft technical regulation means “a document that is prepared as a draft technical regulation as a preparatory stage, and placed at the disposal of the concerned parties with the possibility of making amendments to it.” Article 02, Paragraphe 6 of la loi N° 04-04 de la relative à normalisation. Aforementioned référence.

⁽¹⁷⁾- Referred paragraphe 03 ANNEXE GUIDE D'ELABORATION DES REGLEMENTS TRCHNIQUES, Décret exécutif N° 05-464 relatif à l'organisation et au fonctionnement de la normalisation, Aforementioned référence.

⁽¹⁸⁾- Article 11 loi N° 04-04 relative à normalisation, Aforementioned référence.

⁽¹⁹⁾- Article 02 décret exécutif N°16-324 relatif à l'organisation et au fonctionnement de la normalisation modifiée Article 23 Décret exécutif N° 05-464 Aforementioned référence.

⁽²⁰⁾- Referred ANNEXE GUIDE D'ELABORATION DES REGLEMENTS TRCHNIQUES, Décret exécutif N° 05-464 relatif à l'organisation et au fonctionnement de la normalisation, Aforementioned référence.

⁽²¹⁾- بن لحرش نوال، النظام القانوني للتقييس ودوره في ضمان أمن المنتجات في التشريع الجزائري، مرجع سابق ذكره، ص 87.

⁽²²⁾- Article 28 Décret exécutif N° 05-464 relatif à l'organisation et au fonctionnement de la normalisation, Aforementioned référence

⁽²³⁾- Article 03 paragraphe 01 Décret exécutif N° 17-62 relatif aux conditions et aux caractéristiques d'apposition de marquage de conformité aux règlements techniques ainsi que les procédures de certification de conformité.

- (24)- Article 02 Arrêté du Aouel Rajab 1438 correspondant au 29 mars 2017 fixant les différents niveaux et procédures d'évaluation de la conformité. (J O N° 55).
- (25)- Article 04 Arrêté du Aouel Rajab 1438 correspondant au 29 mars 2017 fixant les différents niveaux et procédures d'évaluation de la conformité
- (26)- Droit de la consommation. YVES Picod et Nathalie Picod⁵ , édition Dalooz 2021, P 466.
- (27)- Abdallah SEDDIKI, le management de la qualité en production alimentaire (T.Q.C hygiène codex Alimentarius. Normes ISO série 9000 et ISO 22000. Système HACCP) Hiber édition ,Alger ,Algérie 2008 ,P 33.
- (28)- modifiant et complétant Article 02 Loi n° 16-04 relative à normalisation.
- (29)- Le guide de la normalisation, première approche, ce guide, offert par AFNOR éditions, a été rédigé par le pôle veille et Expertise documentaire 2011, p 09. (www.afnor.org).
- (30)- بن لحرش نوال، النظام القانوني للتقييس ودوره في ضمان أمن المنتجات في التشريع الجزائري، مرجع سابق ذكره، ص 202.
- (31)- Droit de la consommation. YVES Picod et Nathalie Picod. 5 édition Dalloz 2021, P 457.
- (32)- M.KAHLOULA et G. MEKAMCHA, La protection du consommateur en droit algérien (Première Partie), IDARA, Volume 5, Numéro 2, 1995, P 31.
- (33)- Décret exécutif N° 92-65 du 12 février 1992 relatif au contrôle de la conformité des produits fabriqués localement ou importés. (J O N° 13).
- (34)- M.KAHLOULA et G. MEKAMCHA, La protection du consommateur en droit algérien (Première Partie), IDARA, Volume 5, Numéro 2, 1995, P 31.
- (35)- Nawel SARI. la protection des consommateurs en droit algérien. revue public algérien et comparé. N 03/2016. P 09.
- (36)- referred Article 10 Décret exécutif N° 17-62 relatif aux conditions et aux caractéristiques d'apposition de marquage de conformité aux règlements techniques ainsi que les procédures de certification de conformité. Aforementioned référence.
- (37)- بن لحرش نوال، النظام القانوني للتقييس ودوره في ضمان أمن المنتجات في التشريع الجزائري، مرجع سابق ذكره، ص 269.
- (38)- M.KAHLOULA et G. MEKAMCHA, La protection du consommateur en droit algérien (Première Partie), IDARA, Volume 5, Numéro 2, 1995, P 32
- (39)- Article 13 Décret exécutif N° 12-203 du 14 Joumada Ethania 1433 correspondant au 6 mai 2012 relatif aux règles applicables en matière de sécurité des produits (J O N°28).
- (40)- referred Article 10 and 11 Décret exécutif N° 12-203 relatif aux règles applicables en matière de sécurité des produits. Aforementioned référence.
- (41)- عياض محمد عماد الدين، عقد الاستهلاك في التشريع الجزائري، مرجع سابق ذكره، ص 397.