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**An Analytical Study of the Legal Framework
Governing Trader Registration in Algerian
Commercial Law
Mokkedes Amina***

Faculty of Law, University of Ain Temouchent, (Algeria)

Laboratory of Fundamental Private Law

amina.mokkedes@univ-temouchent.edu.dz

<https://orcid.org/0009-0007-4633-3184>

Abstract:

This article examines the commercial register as an essential legal and organizational instrument for the oversight and regulation of commercial activities within the Algerian legal framework. It clarifies the legislative framework governing the commercial register, focusing on its role in facilitating economic regulation and supervising commercial activities. The article further analyzes the legal implications of registration in the commercial register, particularly with respect to the acquisition of merchant status and its impact on commercial relations between the parties.

Keywords: Commercial Register; Commercial Law; Registration; Amendment; Deletion; Electronic Commercial Register.

*Corresponding author

INTRODUCTION

The merchant occupies a central position in commercial activity and is subject to a set of legal obligations designed to regulate business operations and promote transparency in commercial transactions. Among the most significant of these obligations are maintaining proper accounting records¹ and registering in the commercial register²—two fundamental instruments that contribute to the accuracy, reliability, and legal traceability of commercial undertakings.

Registration in the Commercial Register constitutes a fundamental legal obligation for merchants in Algeria, whether natural or legal persons. This requirement serves to organize commercial activities, enhance transparency, and ensure the availability of reliable legal and economic data about business entities. It is grounded in the provisions of the Algerian Commercial Code, which defines the conditions, procedures, and legal consequences associated with registration. Furthermore, the Algerian legislature has established specific regulatory frameworks governing the Commercial Register through various legislative texts, which will be examined in detail throughout this study.

This system aims to regulate commercial activities and protect them from practices that could harm the national economy, while also streamlining administrative procedures related to business registration.

The concept of the commercial register and the idea of compiling a list containing information about merchants and the nature of their activities dates back to the guild system, which was prevalent in the commercial world prior to its abolition following the French Revolution. This occurred under the decree of June 17, 1791—known as the Chapelier Law. At the time, the primary objectives of the system were to limit the number of merchants, reduce competition, and maintain oversight over traders, both in personal terms—such as their behavior and integrity—and professional terms, including the nature and scale of their business operations and their capacity to meet financial obligations³. This structure also allowed other parties to gain

insight into merchants before engaging in transactions with them⁴.

In response to the evolving dynamics of the economic environment, it has become imperative to revise the legal and procedural frameworks governing the commercial register. This has led to the introduction of the electronic commercial register, marking a significant step toward the digital modernization of commercial infrastructure. By streamlining administrative processes, this reform aims to foster a more transparent and efficient business environment, thereby enhancing the overall investment climate.

Within this framework, a fundamental question arises: What are the legal and procedural dimensions underpinning the commercial register system in Algeria, and to what extent does registration, non-registration, or deletion affect the legal status of commercial entities, particularly in light of the transition toward an electronic commercial register and its role in streamlining procedures and enhancing the investment environment?

In order to address the aforementioned research problem and examine a topic of considerable significance—particularly for second-year law undergraduates, master's students in private law, as well as merchants seeking to understand the legal dimensions of their commercial activities—this study has been structured around three main axes. The first axis is devoted to outlining the conceptual and legal framework of the commercial register. The second focuses on the electronic commercial register, given its importance in reducing the bureaucratic burdens characteristic of traditional procedures, and its instrumental role in attracting investment and improving the business climate. The third axis examines the legal implications arising from registration—or failure to register—in the commercial register.

Axis One: The Legal Framework of the Algerian Commercial Register: Between Theory and Practical Application

The commercial register constitutes a fundamental pillar in the regulation of commercial activity in any country, serving as a vital tool for ensuring transparency and reliability in business transactions. In Algeria, it plays a critical role in organizing commercial operations and safeguarding the legal rights of the parties involved.

This section provides a concise overview of the historical development of the commercial register in Algeria and its adaptation to the evolving needs of the market and regulatory frameworks. It also examines the competent authority responsible for registration, identifies the categories of individuals legally required to register, and addresses those prohibited from engaging in commercial activity for legal reasons. Finally, it outlines the procedures governing registration, amendment, and deletion from the commercial register, with attention to the legal requirements and formal steps involved in each process.

1. The Emergence of the Algerian Commercial Register

Prior to independence, Algeria's commercial register operated under French law, which remained in effect after independence, except where it conflicted with national sovereignty. This situation continued until the enactment of the Algerian Commercial Code in 1975.

Since then, the legal framework governing the commercial register has undergone several phases marked by the introduction of various laws and decrees. Initially, the system was characterized by the establishment of a local register in each wilaya and a central register in the capital, Algiers. Local registers were managed by officers appointed by the Director of the National Centre for the Commercial Register, while the verification of traders' information was entrusted to the courts⁵.

At this stage, registration in the commercial register was regarded as a rebuttable presumption of acquiring trader status. Moreover, the law stipulated that commercial companies do not acquire legal personality until their articles of incorporation are duly registered in the commercial register⁶.

The subsequent phase began with the enactment of the Law of 18 August 1990 concerning the commercial register, which introduced a system more closely aligned with the German model. This shift brought significant improvements to the organization and implementation of the commercial register in Algeria⁷.

It is worth noting that the term *registration in the commercial register* refers to any entry, amendment, or deletion, as stipulated in Article 5 of Law No. 04-08 concerning the conditions for conducting commercial activities.

2. The Competent Authority for Registration under Algerian Law

Under Algerian legislation, responsibility for managing the commercial register is entrusted to an administrative body—the National Centre for the Commercial Register (CNRC).⁸ According to Article 15 bis of Law No. 91-14, supplementing Law No. 90-22 on the commercial register⁹, the CNRC is defined as an independent administrative institution specifically tasked with issuing commercial registrations.

Furthermore, Article 2 of Law No. 04-08 on the conditions for exercising commercial activities affirms that the CNRC maintains, numbers, and manages the commercial register, which is also authenticated by a competent judge. The extract from the commercial register constitutes an official legal document, granting any legally competent natural or legal person the right to engage in commercial activity and serving as proof of such status vis-à-vis third parties—unless successfully challenged for forgery.

3. Persons Required to Register in the Commercial Register

According to Article 19 of the Algerian Commercial Code, the following categories are legally required to register in the commercial register:

- Any natural person who qualifies as a merchant and conducts commercial activity within Algerian territory.
- Any legal entity that is either commercial by its form or by its object (i.e., commercial companies by form or by nature), provided it is headquartered in Algeria or operates a branch or any form of commercial establishment within the country.

In addition, Article 20 reinforces this obligation by requiring both natural and legal persons engaged in commercial activity to register.

Foreign commercial enterprises with headquarters abroad that open branches, agencies, or other establishments in Algeria are also subject to registration. The same applies to foreign commercial representations carrying out business activities on Algerian soil¹⁰.

Furthermore, Article 6 of Law No. 04-08 on the conditions for exercising commercial¹¹ activities mandates that any enterprise operating in Algeria under the name of a commercial company headquartered abroad must register in the commercial register.

Additionally, Article 4 of Executive Decree No. 97-41 concerning the conditions for registration in the commercial register¹² expands the scope of persons subject to this obligation beyond those identified in Articles 19 and 20 of the Commercial Code. Specifically, it requires the registration of artisanal establishments and all service providers, whether natural or legal persons. The decree also mandates registration for any lessee-manager of a commercial establishment.

Moreover, it affirms that any natural or legal person engaged in an activity that is legally subject to registration must comply with this requirement.

Do Non-Permanent Traders Have to Register in the Commercial Register?

Before addressing this question, it is important to note that the Algerian legislator permits commercial activities to be conducted in either a permanent or non-permanent form¹³.

Non-permanent commercial activity refers to any trade carried out through mobile or temporary means, such as in markets, exhibitions, or other designated public spaces¹⁴.

Traders engaging in non-permanent commercial activities are legally required to register in the commercial register. Failure to comply exposes them to a financial penalty ranging from 5,000 to 50,000 Algerian dinars. In addition, under Article 30 of Law No. 04-08 concerning the conditions for conducting commercial activities, authorized regulatory agents are empowered to confiscate both the goods involved in the violation and the transportation means used in carrying out the unregistered activity¹⁵.

Regulation of Non-Permanent Commercial Activities under Executive Decree No. 13-140¹⁶ According to Executive Decree No. 13-140, which governs the conditions for conducting non-permanent commercial activities, such activities may be carried out by natural persons holding commercial registers bearing activity codes as classified in the official nomenclature of economic activities subject to registration¹⁷.

These activities may involve the provision of services or the sale of goods displayed on specially adapted vehicles, tables, or platforms, and are typically conducted in weekly or biweekly markets, local fairs, exhibitions, or other designated spaces, as specified in Article 4 of the decree¹⁸.

Furthermore, under Article 5, non-permanent commercial activities are subject to mandatory registration in the commercial register and require a permit issued by the President of the Municipal People's Assembly for the allocation of space within designated markets or exhibitions. The same authority may also exceptionally authorize other forms of activity in public areas reserved for non-permanent traders, whether natural or legal persons, including those not registered in the commercial register¹⁹.

Accordingly, itinerant traders are likewise obliged to register in the commercial register. Failure to do so triggers specific sanctions, which will be examined in detail below when addressing the penalties applicable to conducting non-permanent commercial activity without proper registration.

It should be emphasized that the notion of 'non-permanent activity' is not confined solely to commercial operations; it equally applies to artisanal and professional activities, which are subject to mandatory registration in the Register of Crafts and Professions.

4. Persons Prohibited from Registration in the Commercial Register

Article 8 of Law No. 04-08 on the Conditions for the Exercise of Commercial Activities establishes a list of individuals prohibited from registering in the commercial register. This includes persons convicted of criminal offenses—without having been rehabilitated—for crimes that undermine public trust and integrity, such as embezzlement, bribery, theft, forgery, issuing bad checks, money laundering, tax fraud, and the sale of harmful products.

However, this provision was subsequently amended by Law No. 13-06, which narrowed the scope of disqualification. Under the amended law, the prohibition is limited to individuals convicted of specific economic and financial crimes, such as violations of capital movement regulations, the marketing of counterfeit goods, fraudulent bankruptcy, forgery, bribery, and drug trafficking—provided that they have not been legally rehabilitated.

5. Procedures for Registration in the Commercial Register

According to Article 13 of Law No. 90-22 on the Commercial Register, any natural person possessing full civil capacity and national rights who wishes to engage in commercial activity must file a declaration before a competent public officer or the registrar of the commercial register. This declaration must clearly express the intent to engage in such activity in accordance with applicable laws and commercial customs. The individual must also declare their place of

business, which corresponds to the address where the activity is regularly and effectively carried out. In the case of operations conducted in multiple locations, registration is required for each site.

With respect to commercial companies, Article 9 of the same law stipulates that their formation must be formalized by a notarial act. Prior to drafting the deed, the notary is required to verify the legal capacity of the parties and the compliance of the company form with legal requirements. Once these formalities are completed, the applicant must submit a request for registration in accordance with Article 2(2) of the law. The registrar, acting as a public officer, is responsible for verifying the legal form of the company, ensuring that the required capital contributions have been made, and confirming the existence of a legitimate registered office. Upon successful verification, the registrar issues a certificate of registration²⁰.

Regulated Activities and Commercial Registration Pursuant to Law No. 18-08, amending Law No. 04-08,²¹ individuals are allowed to register regulated commercial activities in the Commercial Register *prior to obtaining* the necessary license or accreditation—except where specific legislation provides otherwise. Nevertheless, they are not legally permitted to commence the activity until the relevant license or accreditation has been issued by the competent administrative authority²².

For example, a pharmacist may complete the commercial registration process before receiving authorization from the Ministry of Health but cannot begin operations without it.

6. Removal from the Commercial Register

Registration in the Commercial Register is not limited to the initial entry; it also includes mandatory procedures such as modification and removal. These are legal obligations tied to the trader's status. Removal may be initiated by the trader—whether a natural or legal person—by their legal successor in case of death, by the competent regulatory bodies, or by a judicial order when legal requirements are not met.

According to Article 22 of Executive Decree No. 97-41, removal occurs in the following cases: permanent cessation of activity, death of the trader, final closure of the business premises, bankruptcy or judicial settlement, dissolution of a company, or a court ruling ordering removal.

Furthermore, Article 23 of the same decree states that when a removal request is submitted by someone other than the trader, a notarized document proving legal authority must be attached. In the case of company dissolution, the request must be made by the legal representative, the appointed liquidator, or their agent.

Axis Two: The Electronic Commercial Register in Algeria: Legislative Reform or Mere Procedural Modernization?

The electronic commercial register in Algeria represents a modern reform aimed at replacing the traditional paper-based system with a centralized digital platform. It facilitates access to legal and economic data on registered individuals and entities, streamlining procedures of registration, modification, and deletion. This digitalization enhances transparency, safeguards commercial transactions, and promotes good governance by ensuring data accuracy—thus fostering a more favorable business and investment environment.

This approach comes within the framework of the Algerian legislator's efforts to keep pace with digital transformation, particularly following the adoption of a regulatory legal framework for electronic commerce. The electronic commercial register and online registration have since become fundamental pillars of this new system. In the following sections, we will examine the main legal texts enacted by the legislator in this regard.

It is worth noting that Algeria has established an official electronic commercial register platform known as "Sidjilcom"²³. This platform allows for full online processing of registration, amendment, and deletion operations. It was developed to streamline administrative procedures, improve data accessibility, and reduce the need for physical visits, reflecting a concrete step

toward digital transformation in the commercial registration system.

Firstly: Law No 13-06 on the Conditions of Commercial Activities

Article 5 bis of Law No. 13-06, which amends and supplements the law governing the conditions for carrying out commercial activities, introduced the possibility of initial registration in the commercial register through electronic means, as well as the issuance of the commercial register extract via an electronic procedure. However, the law referred the specifics of the electronic register format to secondary legislation.

Two years later, Executive Decree No. 15-11 was issued to define the procedures for registration, amendment, and deletion in the commercial register. Nevertheless, this decree gave rise to several ambiguities and interpretive uncertainties, which prompted the issuance of further regulatory texts aimed at clarifying and structuring the legal framework governing the electronic commercial register — an issue that will be addressed in the following sections.

Secondly: Executive Decree No. 18-112 Defining the Format of the Commercial Register Extract Issued Electronically, as Amended by Executive Decree No. 22-50

Following the adoption of Law No. 18-05 on Electronic Commerce, dated 10 May 2018, the Algerian legislator issued Executive Decree No. 18-112, which defines the format of the commercial register extract issued through an electronic registration procedure, in accordance with Article 5 bis of Law No. 13-06 on the conditions of commercial activities.

This decree sets out various provisions implementing the electronic commercial register. Article 2 of the decree stipulates that a specific electronic code—referred to as the "Electronic Commercial Register" (RCE)—must be included in the extracts issued for both natural and legal persons. Article 3 defines this RCE as a digital code containing encrypted data and information related to the trader. Article 4 further provides that the code must be printed on the face of the extract, in the upper right

corner, in black on a white background, and enclosed within a black frame.

Article 5 of the same Executive Decree stipulates that the Electronic Commercial Register Code (RCE) may be read using any device equipped with image-capturing functionality, through an application freely available on the electronic portal of the National Centre of the Commercial Register (CNRC). The information embedded in the RCE is regularly updated by the services of the CNRC.

Article 6 further provides that any damage caused to the Electronic Commercial Register Code (RCE) renders the electronic commercial register extract invalid. In such cases, the holder of the commercial register is required to request a new extract containing a valid RCE.

Article 7 of Executive Decree No. 18-112 stipulates that traders who do not yet possess a commercial register extract bearing the Electronic Commercial Register Code (RCE) are required to request the amendment of their commercial register extracts at the regionally competent branches of Centre of the Commercial Register (CNRC) in order to obtain said code.

Originally, the decree set a deadline of one year from the date of its entry into force for compliance. However, Executive Decree No. 22-50, which amended Decree No. 18-112, extended this deadline to 30 June 2022, as per Article 1 of the amending decree.

Moreover, it was expressly stated that, beyond this deadline, public administrations and public economic institutions are only permitted to accept commercial register extracts issued through electronic procedures in their commercial dealings.

Third :Regional and International Comparison

While Algeria has made progress by introducing the electronic commercial register, the reform remains largely procedural. In contrast, neighboring countries like Tunisia have implemented broader digital strategies. For instance, Tunisia has developed a unified online portal integrating commercial registration with tax, social security, and municipal services,

enabling entrepreneurs to complete most procedures on a single platform²⁴.

Beyond the region, France offers a valuable comparative model. France operates the “Infogreffe” portal²⁵, which provides comprehensive digital services for commercial registration, legal filings, financial statements, and company monitoring. This system allows instant online registration, secure document delivery, and real-time updates, substantially reducing administrative burdens and improving data reliability. Such ²⁶ examples demonstrate that Algeria could benefit from adopting more integrated and service-oriented approaches, which would simplify business registration processes and enhance economic governance and competitiveness both regionally and internationally.

Axis Three: The Impact of Registration and Non-Registration in the Commercial Register on Commercial Freedom and the Investment Climate

Registration in the commercial register—whether traditional or electronic—produces several legal effects, most notably granting the trader official commercial status, conferring legal validity to their business activities vis-à-vis third parties, and securing protection for the trade name.

Conversely, failure to register gives rise to a range of legal consequences, including the forfeiture of certain rights, the presumption of nullity of business dealings with respect to third parties, and, in certain cases, the imposition of criminal sanctions. These legal implications will be addressed in detail in the following sections.

First: Legal Effects of Registration in the Commercial Register

Registration in the Commercial Register entails several legal consequences, the most significant of which include:

1-Acquisition of Trader Status:

Registration confers upon the registered person—whether a natural or legal entity—the status of a trader. According to Article 21 of the Algerian Commercial Code, registration in the

Commercial Register constitutes conclusive evidence of trader status, and this presumption is irrefutable.

2-Acquisition of Legal Personality for Companies:

In addition to being recognized as a trader upon registration, a company also acquires legal personality. Pursuant to Article 549 of the Commercial Code, this legal personality enables the company to enter into contracts, own rights, and assume legal obligations independently, much like a natural person.

3-Non-Opposability of Commercial Acts to an Authorized Minor Prior to Registration:

Commercial acts undertaken by an authorized minor prior to the registration of the authorization in the Commercial Register cannot be enforced against them. The enforceability of such acts is contingent upon the prior registration of the authorization in accordance with the legal provisions in force.

4-Mandatory Disclosure of Registration Information in Commercial Documentation:

All traders listed in the Commercial Register are legally obliged to include their registration number, place of registration, and the jurisdiction of the competent court on all commercial documents, such as invoices, purchase orders, and promotional materials. This obligation is intended to enhance transparency in legal transactions and ensure the traceability of commercial activities²⁷.

5- Liability of the Trader Following the Transfer or Lease of a Business:

Pursuant to Article 23 of the Algerian Commercial Code, a trader remains legally responsible for commercial obligations arising from a business they have sold or leased, even after the removal of their name from the Commercial Register or the official recording of the transaction. This rule safeguards the rights of third parties and upholds the continuity of legal obligations²⁸.

Secondly: Legal Consequences of Non-Registration in the Commercial Register

When a person fails to comply with the obligation to register in the commercial register, they expose themselves to legal repercussions that may include both civil and criminal penalties. Such non-compliance can hinder their ability to legally engage in commercial activity and may result in sanctions stipulated under Law No. 04-08 on the Conditions for the Exercise of Commercial Activities and its subsequent amendments. These provisions aim to promote transparency, regulate commercial dealings, and safeguard the rights of all concerned parties.

The legal consequences of non-registration can be outlined as follows:

1-Civil Penalties Resulting from Failure to Register in the Commercial Register

According to Article 22 of the Algerian Commercial Code, natural or legal persons subject to mandatory registration who fail to do so within the prescribed two-month period may not invoke their commercial status before third parties or public authorities until they are duly registered. Moreover, such individuals cannot rely on their failure to register as a means of evading the obligations and responsibilities inherent in the legal status of a trader.

2-Criminal Consequences of Non-Registration in the Commercial Register

The Algerian Commercial Code, along with the Law on the Conditions for the Exercise of Commercial Activities, provides for criminal sanctions in cases of non-compliance with the registration obligation. It is important to note, however, that the breach of this obligation does not consist solely in the failure to register; it also includes the failure to update any changes to the information recorded in the commercial register, as well as the continuation of business activities using an expired registration extract.

As previously mentioned, the obligation to register in the commercial register encompasses not only the initial registration, but also subsequent modifications and the formal removal (deregistration) from the register, depending on the evolution of the trader's legal or commercial status²⁹.

A. Penalty for Conducting a Fixed Commercial Activity Without Registration in the Commercial Register

Article 31 of Law No. 04-08 provides that authorized enforcement officers—namely, the individuals mentioned in Article 30 of the same law, including judicial police officers as defined in the Code of Criminal Procedure and officials belonging to the inspection corps of the trade and tax administrations—shall order the closure of any premises operated by a natural or legal person conducting a fixed (permanent) commercial activity without registration in the commercial register. This closure remains in effect until the offender regularizes their status by duly registering the activity. In addition to the closure, the offender is liable to a fine ranging from 10,000 to 100,000 Algerian dinars.

B. Penalty for Operating a Non-Fixed Commercial Activity Without Registration

Traders engaging in non-fixed (mobile or temporary) commercial activities are equally subject to the obligation of registration in the commercial register, as previously mentioned. In case of non-compliance, such a trader is liable to a fine ranging from 5,000 to 50,000 Algerian dinars. Furthermore, the authorized enforcement officers specified in Article 30 may seize the goods involved in the violation, and, where applicable, may also seize the means of transportation used.

C. Penalty for Providing False or Incomplete Information During Registration

According to Article 33 of Law No. 04-08, any person who, in bad faith, provides false or incomplete information for the purpose of registration in the commercial register is subject to a fine ranging from 50,000 to 500,000 Algerian dinars.

D – Sanction en cas de non-modification des données du registre du commerce

Article 37 of Law No. 04-08 on the Conditions for the Exercise of Commercial Activities stipulates that every merchant is required to update the information contained in their commercial register extract within a period of three (03) months following any change affecting their situation or legal status.

Failure to comply with this obligation may result in a fine ranging from 10,000 to 100,000 Algerian Dinars, in addition to the temporary suspension of the commercial register by judicial decision until the situation is regularized.

The types of modifications subject to this obligation include, in particular, the following:

- Change of address of a natural person merchant: in such a case, the individual must update the register extract within three months of the change.
- Change of the registered office of a legal entity.
- Change of the address of the main establishment or any secondary establishments.
- Amendment of the company's articles of association: this requires that the partners not only amend the company's contract but also update the company's commercial register data accordingly.

N – Penalty for Forgery or Counterfeiting of the Commercial Register Extract

Any person who forges or counterfeits an extract from the commercial register, or any related document, shall be subject to a prison sentence ranging from six (06) months to one (01) year, in addition to a fine ranging from 100,000 to 1,000,000 Algerian Dinars³⁰.

H – Penalty for Conducting a Commercial Activity with an Expired Commercial Register Extract

Article 9 of Law No. 13-06, amending and supplementing the provisions of Law No. 04-08 relating to the conditions for the exercise of commercial activities—particularly Article 31 bis and other provisions—provides that:

Any person who conducts a commercial activity using an expired commercial register extract is liable to a fine ranging from 10,000 to 500,000 Algerian Dinars.

Furthermore, the Wāli (provincial governor) shall issue a decision ordering the administrative closure of the commercial premises concerned.

If the irregularity is not remedied within a period of three (03) months from the date the infraction is recorded, the judge shall order the removal of the business from the commercial register.

W – Conducting a Commercial Activity Using Another Person’s Commercial Register

In accordance with Article 38 of Law No. 04-08, as amended and supplemented, relating to the conditions for the exercise of commercial activities, only the holder of the commercial register is authorized to carry out a commercial activity.

This provision explicitly prohibits the granting of a power of attorney—regardless of its form—to a third party to engage in a commercial activity on behalf of the register holder, except for the spouse, ascendants, and direct descendants (first degree).

Any violation of this provision constitutes a criminal offense, punishable by a fine ranging from 1,000,000 to 5,000,000 Algerian Dinars, applicable to:

- In the holder of the commercial register,
- the beneficiary of the power of attorney,
- the notary,
- and any other person involved in the act.

The judge shall also, ex officio, order the deletion of the commercial register that is the subject of the offense.

Y – Penalty for Conducting a Commercial Activity Not Listed in the Trade Register

A trader is required to strictly adhere to the activity specified in the trade register. In the event that the trader engages in an activity beyond the scope of the registered business purpose:

The trader shall be subject to a temporary administrative closure of the business premises for a period of one (1) month;

In addition, a fine ranging from 20,000 to 200,000 Algerian Dinars (DZD) shall be imposed.

If the violation is not rectified within two (2) months from the date it is officially recorded, the court shall automatically order the cancellation of the commercial registration³¹.

In addition to the sanctions under Law No. 04-08 governing commercial activity conditions (as amended), Articles 27 and 28 of the Commercial Code also provide for a fine and empower the court to order entries or deletions in the trade register within a specific time frame and at the violator's expense.

3-Critical Analysis of Algerian Commercial Law Regarding the Commercial Register

While the Algerian Commercial Register remains an essential legal instrument for ensuring transparency and structuring economic activities, it still suffers from certain limitations. The introduction of the electronic commercial register undoubtedly represents a significant reform aimed at modernizing administrative processes and improving the business climate. However, the legislative changes have largely focused on procedural aspects rather than substantive reforms addressing the practical challenges faced by traders.

From a critical perspective, the legal framework imposes significant administrative burdens, particularly on small and medium-sized enterprises (SMEs) and non-permanent traders. The obligations related to frequent updates, modifications, and strict compliance requirements can be costly and time-consuming, creating a barrier for businesses operating in competitive markets.

Additionally, while the electronic register facilitates faster processing, the system's practical implementation still faces delays and discrepancies across different regions in Algeria. The lack of full interoperability between various government entities (such as tax, social security, and customs

authorities) further complicates business procedures and diminishes the efficiency intended by digitalization.

It is also noteworthy that the commercial register, despite its potential to serve as a powerful economic database, is underutilized for strategic financial planning and market analysis. The legislator has yet to leverage the collected data for improving economic policies or integrating the informal sector into the formal economy.

In my view, the Algerian commercial register serves a dual purpose: it facilitates legal certainty and transparency, but simultaneously imposes significant constraints that may hinder business development. Therefore, the legal framework requires comprehensive reform to balance the regulatory objectives with the practical needs of traders. A more flexible approach, differentiated procedures for SMEs, and better integration of digital platforms across government services could significantly enhance the commercial environment and contribute positively to Algeria's economic growth.

Conclusion:

In conclusion, the Algerian Commercial Register constitutes a fundamental pillar for ensuring legal certainty and transparency within commercial activities. While legislative efforts, particularly the introduction of the electronic commercial register, signal a willingness to modernize, significant challenges remain. The law imposes administrative burdens that disproportionately affect SMEs and hinder the full realization of an efficient business climate.

Critically, the commercial register's potential as an economic intelligence tool is underutilized, missing opportunities to inform economic policies and integrate informal activities into the formal economy. Therefore, the legal framework demands comprehensive reform aimed at reducing bureaucratic complexity, enhancing interoperability among governmental agencies, and implementing flexible procedures tailored to different business sizes and needs.

Ultimately, for Algeria to fully benefit from the commercial register as both a regulatory and developmental tool, future reforms must balance legal control with the practical facilitation of business activities. Such measures will contribute not only to a more dynamic business environment but also to broader economic growth and stability.

Recommendations:

1. **Simplify Registration Procedures:** Implement differentiated registration procedures for SMEs to reduce administrative burdens and costs.
2. **Enhance Digital Integration:** Ensure full interoperability between the commercial register and other governmental databases (e.g., tax, social security) to avoid duplication and delays.
3. **Leverage Commercial Register Data:** Use data from the commercial register for economic analysis and policy planning better to integrate the informal sector into the formal economy.
4. **Provide Training and Guidance:** Establish support services to assist traders, particularly new entrepreneurs, in navigating legal requirements efficiently.
5. **Regular Legislative Review:** Introduce periodic evaluations of commercial laws to adapt regulations to the evolving business environment and technological advances.
6. **Increase Public Access and Transparency:** Facilitate greater public access to commercial register data by making non-confidential information available to researchers, investors, and public institutions. This would enhance market analysis, promote accountability, and help integrate the informal economy into formal economic structures.

Footnotes:

1 Article 9, Algerian Commercial Code.

2 Article 19, Algerian Commercial Code.

3 Nadia Fadhel, Algerian Commercial Law: Commercial Transactions, Trader, Commercial Establishment, 5th

- edition, National University Press (Office des Publications Universitaires), Algiers, 2003, p. 154.
- 4 Abdelkader Beghirat, *Principles of Commercial Law: Commercial Transactions – Theory of the Trader – Commercial Establishment – Commercial Companies*, 3rd edition, National University Press, Algiers, 2015, p. 55.
- 5 Nadia Fadhel, *Op. cit.*, p. 157
- 6 See Article 549 of the Algerian Commercial Code.
- 7 For more details, see: Abdelkader Beghirat, *Op. cit.*, p. 55.
- 8 National Centre of the Commercial Register (CNRC), a public institution established by Decree No. 63-248 of 10 July 1963 under the name National Office of Industrial Property, which was later renamed National Centre of the Commercial Register following the promulgation of Decree No. 73-188 of 21 November 1973. Its mandate was limited at the time to collecting copies of commercial registers issued by court registry offices.
- 9 Law No. 91-14 of 5 Rabi' al-Awwal 1412 (corresponding to 14 September 1991), supplementing Law No. 90-22 of 27 Muharram 1411 (corresponding to 18 August 1990) on the Commercial Register, Official Gazette, dated 9 Rabi' al-Awwal 1412, No. 43, p. 1629.
- 10 Article 20, Algerian Commercial Code.
- 11 Law No. 04-08 ,14 August 2004 on the Conditions for the Exercise of Commercial Activities, Official Gazette No. 52 of 18 August 2004, p. 4, as amended and supplemented by Law No. 13-06 of 23 July 2013, amending and supplementing Law No. 04-08, Official Gazette No. 39 of 21 July 2013, p. 33.
- 12 Executive Decree No. 97-41 of 18 January 1997 on the Conditions for Registration in the Commercial Register, Official Gazette No. 5 of 19 January 1997, p. 10.
- 13 Article 18, Law No. 04-08 on the Conditions for the Exercise of Commercial Activities.
- 14 Article 20, the same Law.
- 15 Article 32, the same Law.

- 16 Executive Decree No. 13-140 of 29 Jumada al-Awwal 1434, corresponding to 10 April 2013, establishing the conditions for exercising non-fixed commercial activities, Official Gazette No. 21 of 12 Jumada al-Thani 1434, corresponding to 23 April 2013, p. 14.
- 17 Article 3 of Executive Decree No. 13-140 establishing the conditions for exercising non-fixed commercial activities.
- 18 See Article 2, the same Executive Decree (No. 13-140) establishing the conditions for exercising non-fixed commercial activities.
- 19 Article 6, the same Executive Decree.
- 20 Refer to Articles 9, 10, and 11 of Law No. 90-22 of 27 Muharram 1411, corresponding to August 18, 1990, concerning the Commercial Register, Official Gazette dated 1 Safar 1411, No. 36, p. 1145.
- 21 Article 25, Law No. 04-08 required individuals engaging in regulated professions or activities to obtain a provisional license from the relevant administrative authorities before registering in the Commercial Register. Furthermore, actual commencement of such activities was contingent upon securing a final license or accreditation issued by the competent bodies.
- 22 It should be noted that the term "non-permanent activity" does not apply solely to commercial undertakings; it also includes artisanal and professional activities, which are likewise subject to registration in the Register of Crafts and Trades.
- 23 National Centre of the Commercial Register (CNRC), Sidjilcom Portal, available at: <https://sidjilcom.cnrc.dz/ar/web/sidjilcom>, accessed on 12 July 2025.
- 24 Tunisian Law No. 52 of 2018 dated 29 October 2018 concerning the National Register of Enterprises.
- 25 Infogreffe Portal, available at: <https://www.infogreffe.fr>, accessed on 12 July 2025.

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- 26 Martin Fernando Salcedo Vargas, ASORLAC President, The International Business Registers Report, The Journey 2007-2016,p10.
 - 27 Ahmed Beloudnine, Al-Mukhtasar fi al-Qanun al-Tijari al-Jaza'iri [A Summary of Algerian Commercial Law], Dar Belkheis, Algeria, 2012, p. 59.
 - 28 Article 23, Algerian Commercial Code.
 - 29 Article 5 of Law No. 04-08 concerning the conditions for exercising commercial activities.
 - 30 Article 34; Law No. 04-08 concerning the conditions for exercising commercial activities, as amended and supplemented.
 - 31 Article 41, Law No. 04-08 concerning the conditions for exercising commercial activities, as amended and supplemented.