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The Legal Framework of the National Agency for Industrial Real

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Abstract:

Industrial real estate constitutes a cornerstone and essential pillar in stimulating national economies, serving as a key factor in attracting investment and improving the investment climate, particularly in the industrial sector. In its efforts to advance the national economy, Algeria has prioritized industrial and manufacturing investments to diversify income sources and reduce reliance on hydrocarbons. This necessitated the provision of real estate facilities that meet all conditions required to attract investors and support industrial investment. To achieve this, a legislative and structural framework was established to govern industrial real estate for investment, assigning specific supervisory and regulatory powers to several institutional bodies.

However, these bodies have often demonstrated neglect and poor management of industrial real estate, coupled with overlaps and imbalances in authority among the various structures responsible for oversight, which hindered the achievement of intended objectives. This prompted the state to implement substantial reforms in the investment sector and in the legislative framework regulating industrial real estate. These reforms included enacting laws on investment and economic real estate, defining the agencies responsible for granting, organizing, and preparing industrial real estate, and ensuring its proper use. Among these agencies, the National Agency for Industrial Real Estate stands out as a key instrument for facilitating the development and management of industrial properties.

This research paper focuses on the legal framework of the National Agency for Industrial Real Estate, using a descriptive-analytical methodology to assess its effectiveness and its role in enhancing the management and development of industrial real estate for investment purposes.

Keywords: *Industrial real estate; Development and connectivity; Rehabilitation of industrial zones; Board of Directors.*

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Introduction:

Industrial real estate, which includes property units designated for the establishment of industrial projects and manufacturing activities, constitutes a fundamental pillar in financing state budgets. It also represents a vital element in shaping the industrial investment equation, in addition to serving as a key indicator for assessing the investment climate and the level of national development.

Given the role of industrial real estate as a crucial factor in attracting investments, the Algerian state has accorded significant attention to this sector and has sought to enter the world of industry and manufacturing with the aim of reducing dependence on foreign sources. Since the post-independence policy and approach were socialist in nature, institutions with a socialist orientation were established, relying on government investments and public funding to build an industrial base.

However, the Constitution adopted on February 23, 1989, marked a turning point in Algeria's history, particularly concerning investment. It opened the door to private and foreign investments, followed by the issuance of legislation regulating this sector, starting with the Investment Promotion Law, followed by the Investment Development Law and subsequent regulations, alongside the creation of institutions tasked with implementing these provisions.

Nonetheless, due to this dense legislative and regulatory framework, which did not clearly delineate the responsibilities of institutions in charge of granting property and those responsible for managing and preparing industrial real estate, investors faced complexity and ambiguity regarding property designated for investment, particularly industrial. Moreover, the neglect, mismanagement, and inefficiencies affecting this system prompted the Algerian state to review and reform it through the enactment of a new Investment Law No. 22/18[1] and, subsequently, Law No. 23/17 dated November 15, 2023, which regulates

[1] Law No. 22-18 dated 24/07/2022 concerning investment, Official Journal of the Algerian Republic (OJAR), No. 50, issued on 28/07/2022 (original in Arabic).

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the conditions and procedures for granting economic property belonging to the state's private holdings for investment projects[1].

The latter law established the National Agency for Industrial Real Estate, the subject of this research paper, created by Executive Decree No. 23-488 dated December 28, 2023[2]. This agency represents a state instrument to organize and manage industrial real estate for investment, executing its tasks in coordination with the Algerian Investment Promotion Agency, which ensures the acquisition of industrial investment property and its allocation under a concession that can be converted into a transfer.

From the above, the study raises the following research problem: What is the legal framework regulating the work of the National Agency for Industrial Real Estate in Algeria?

This main problem gives rise to the following two sub-questions:

1. What is the National Agency for Industrial Real Estate, what is its legal nature, and what are its main assigned tasks?

2. What are the legal and regulatory frameworks governing the organization of the National Agency for Industrial Real Estate, and how is it managed and supervised?

To address this problem and its sub-questions, the study adopts descriptive and analytical methods. The research is divided into two sections: the first addresses the essence of the National Agency for Industrial Real Estate and its tasks, while the second examines the organization, management, and oversight of the agency.

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[1] Law No. 23-17 dated 15/11/2023, determining the conditions and procedures for granting economic real estate belonging to state property for investment projects, OJAR, No. 73, issued on 16/11/2023 (original in Arabic).

[2] Executive Decree No. 23-488 dated 28/11/2023, establishing the National Agency for Industrial Real Estate, its organization and functioning, OJAR, No. 85, issued on 30/12/2023 (original in Arabic).

Section One: The Nature and Tasks of the National Agency for Industrial Real Estate

Due to the failure of the bodies previously tasked with managing and administering the portfolio of industrial real estate, and driven by the state's desire to boost investment—particularly industrial investment—and to redefine the relationship between investors and prepared industrial property, a new institution was established to oversee the management and preparation of industrial real estate. Article 7 of Law No. 23/17[1], dated November 15, 2023, states:

"Economic property belonging to the state's private holdings and designated for investment projects shall be prepared by specialized public agencies in the field of industrial real estate…"

This institution is represented by the National Agency for Industrial Real Estate. We will focus first on its nature and then on its organization and management.

Subsection One: Concept of the National Agency for Industrial Real Estate

In order to create a suitable environment for investment and promote economic growth, the National Agency for Industrial Real Estate was established in response to the state's need for a unified and organized structure that ensures the mobilization of industrial land and facilitates access to it. This was particularly necessary in light of increasing demand for industrial spaces and the inefficiencies of previous management. To define the concept of this agency, it is necessary first to present its definition and then address its establishment.

1. Definition of the National Agency for Industrial Real Estate

Article 2 of Executive Decree No. 23/488[2] defines the National Agency for Industrial Real Estate as:

"A public institution of industrial and commercial character, possessing legal personality and financial independence."

[1] Law No. 23-17 dated 15/11/2023, previously cited (original in Arabic).
[2] Executive Decree No. 23-488 dated 28/11/2023, previously cited (original in Arabic).

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The description of the agency as a public institution of industrial and commercial nature removes it from the category of purely administrative bodies. Nevertheless, despite this classification, it continues to provide a public service in the interest of the general public, on behalf of and under the supervision of the state, thereby maintaining its link to administrative functions within the framework of the public interest.

2. Establishment of the National Agency for Industrial Real Estate

The agency was established pursuant to Article 7 of Law No. 23/17 dated November 15, 2023[1], and implemented by Executive Decree No. 23-488 dated December 28, 2023, which set forth its creation, organization, and operation[2].

It was created as a successor to the National Agency for Mediation and Property Regulation (ANIREF), originally established by Executive Decree No. 07-119 on April 23, 2007[3], and amended by Executive Decree No. 12/126 on March 19, 2012. ANIREF had operated in coordination with the Assistance Committee for Investment Promotion and Property Regulation (CALPIREF), with the goal of expediting the study and processing of investment applications, deciding on requests for industrial property grants, monitoring investment project locations, defining specific strategies for each province, and overseeing project launches as established by Executive Decree No. 10-20 dated January 12, 2010[4].

The transformation from property mediation and regulation to the National Agency for Industrial Real Estate encompassed all of its components.

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[1] Law No. 23-17 dated 15/11/2023, previously cited (original in Arabic).

[2] Executive Decree No. 23-488 dated 28/12/2023, previously cited (original in Arabic).

3 The National Agency for Mediation and Real Estate Regulation was established under Executive Decree No. 07-119 dated 23/04/2007, which set its founding law, OJAR, No. 27, issued on 25/04/2007, amended and supplemented by Executive Decree No. 12-126 dated 19/03/2012, OJAR, No. 17, issued on 25/03/2012 (abolished) (original in Arabic).

[4] Executive Decree No. 10/20 dated 12/01/2010, organizing the Assistance Committee for Site Determination, Investment Promotion, and Real Estate Regulation, its composition and functioning, OJAR, No. 04, issued on 17/01/2010 (original in Arabic).

Subsection Two: Legal Nature and Tasks of the National Agency for Industrial Real Estate

Determining the legal nature and tasks of the National Agency for Industrial Real Estate is essential for understanding its position within the state's institutional structure. This includes its financial and administrative independence, legal personality, and the organization of its responsibilities. We first address its legal nature and then its assigned tasks.

1. Legal Nature of the National Agency for Industrial Real Estate

According to Article 2 of Executive Decree No. 23-488[1], the National Agency for Industrial Real Estate is a public institution of industrial and commercial character. Consequently, it possesses legal personality, financial independence, and administrative autonomy.

a. The National Agency as a Public Institution of Industrial and Commercial Character

Referring to Articles 6 to 9 of Executive Decree No. 23-488[2], it is clear that the agency is authorized to engage in commercial and industrial activities, similar to private legal entities, as explicitly stated in Article 4 of its founding decree. It acts as a commercial entity in its dealings with third parties.

Its responsibilities include the preparation and development of industrial property belonging to the state's private holdings, consisting of industrial zones, activity areas, and technological parks. It also oversees the development of multi-service activity spaces either independently or through partnerships. Furthermore, it is tasked with establishing properties for industrial and commercial use and carrying out all

[1] See Article 2 of Executive Decree No. 23-488, dated 28/12/2023, previously cited (original in Arabic).
[2] See Articles 6–9 of the same decree (original in Arabic).

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activities related to its functions, in exchange for the fees collected for the services provided[1].

b. **Legal Personality of the National Agency for Industrial Real Estate**

The regulatory texts, specifically Article 2 of Executive Decree No. 23-488, grant the National Agency for Industrial Real Estate legal personality, providing it with a measure of financial, administrative, and legal independence. This independence, however, is somewhat limited both in terms of structure and function, as defined by its founding, organization, and operational decree.

The agency's headquarters are established solely in the city of Algiers[2]. Additionally, the agency acquires the capacity to litigate, represented by its Director General, before both administrative and ordinary courts, whether as plaintiff or defendant[3]. This confers upon the National Agency for Industrial Real Estate full legal standing, with the associated rights and obligations, as well as the responsibility for actions undertaken in the course of, or in relation to, its duties, which ultimately rest with the state.

Acquiring legal personality entails the following for the National Agency for Industrial Real Estate:

- Financial Independence and Assets: The agency's founding text grants it the right to prepare its budget, have it approved, and implement it in both revenue and expenditure domains, maintaining accounting records in a commercial format. It also owns the premises and material resources placed at its disposal to serve its objectives, managed by the Director General. Additionally, the agency is entitled to accept donations and

[1] Note that Article 4 of Executive Decree No. 23/488, previously cited, stipulates that the agency is subject to administrative law when dealing with the state, and to private law when dealing with third parties (original in Arabic).
[2] See Article 3 of Executive Decree No. 23-488, previously cited (original in Arabic).
[3] Articles 2, paragraph 2; 6; and 22 of Executive Decree No. 23-488, previously cited (original in Arabic).

bequests, enter into contracts and agreements, and engage in banking loans and similar financial operations[1].

- The agency enjoys a separate financial estate, consisting of property transferred or allocated by the state, as well as assets acquired or created using its own funds.
- It also holds the tangible and intangible assets resulting from the dissolution of the National Agency for Mediation and Property Regulation, along with any obligations, rights, shares, and resources it owned or managed.

Thus, the financial estate includes assets inherited from the dissolution of the National Agency for Mediation and Property Regulation, as specified in Article 23[2] of Executive Decree No. 07/199, remaining assets from the dissolution of public institutions, surplus assets of public economic institutions, and assets acquired or created with the agency's own funds.

c. **Administrative Independence**

The agency's administrative independence is reflected in its organizational structure, particularly its Board of Directors and General Secretariat, represented by the Director General, who supervises the staff appointed, classified, and remunerated by the agency, and assigns their tasks. Board members enjoy the freedom of deliberation and voting[3].

However, this independence is relative: first, because the agency is subject to the supervision of the Minister of Industry in multiple provisions of its founding decree, particularly Article 2; and second, because the state exercises oversight over the agency pursuant to Article 5 of the same decree, including the obligation for the Director General to

[1] Articles 12, paragraph 14, and Articles 22 to 30 of Executive Decree No. 23-488, previously cited (original in Arabic).
[2] Executive Decree No. 07-119 dated 23/04/2007, previously cited (original in Arabic).
[3] Articles 2, 14, 16, 20, and 23 of Executive Decree No. 23-488, previously cited (original in Arabic).

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submit a report with results and financial accounts to the Minister of Industry[1].

2. Tasks of the National Agency for Industrial Real Estate

The National Agency for Industrial Real Estate is entrusted with a set of strategic and organizational tasks aimed primarily at facilitating investor access to industrial property. Its main responsibilities include:

a. Development and Internal Connectivity through Roads and Infrastructure Networks

In accordance with Article 6 of Executive Decree No. 23/488[2], the agency is responsible for connecting all industrial properties belonging to the state's private holdings within industrial zones, activity areas, and technological parks to various infrastructure networks, such as roads, water, electricity, and telecommunications networks. Specifically, the agency must[3]:

- Define roads and development networks through planning and development tools.
- Provide all structures and connection equipment that need to be established.
- Prepare development plans for industrial zones and activity areas.
- Prepare construction and subdivision permits for these areas.

b. Ensuring External Connectivity through Roads and Various Networks

The agency is also responsible for connecting industrial zones, activity areas, and technological parks to external infrastructure networks in coordination with relevant sectors, as prescribed by applicable regulations. This includes connection to national road networks, water and sewage networks, and telecommunications systems. Coordination

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[1] Article 23 of Executive Decree No. 23-488, previously cited (original in Arabic).
[2] See Article 6 of Executive Decree No. 23-488, previously cited (original in Arabic).
[3] See Executive Decree No. 15/19, specifying the procedures for preparing and delivering urban development contracts, OJAR, No. 07, issued on 12/02/2015 (original in Arabic).

with local ministerial authorities ensures these areas are integrated with various networks and transport routes, thereby enhancing investment opportunities and the utilization of industrial property.

c. **Rehabilitation of Industrial Zones and Activity Areas**

Due to the inefficiency of the institutions previously tasked with managing industrial zones and activity areas, which resulted in disorder and neglect, Article 6 of Executive Decree No. 23/488 assigns the agency the responsibility of rehabilitating these areas. This is achieved through the renewal of infrastructure by acquiring equipment to maintain core structures, facilities, and communal amenities. The rehabilitation and preparation of these zones render them exploitable, revive existing investments, and attract new investors to available surplus plots, in coordination with the Algerian Investment Promotion Agency.

d. **Management, Operation, Monitoring, and Maintenance of Shared Spaces[1] and Their Facilities**

The agency is responsible for monitoring, maintaining, and inspecting the shared components of industrial zones and activity areas, as well as improving infrastructure and services on a regular basis. This ensures the prevention of violations or misuse, such as damage caused by routine use or natural conditions. Responsibilities also include cleaning facilities and maintaining equipment and devices used in managing shared areas.

e. **Recording and Updating the Industrial Property and Stakeholders Database**

The agency identifies and inventories available industrial properties, preparing and periodically updating price schedules for

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[1] Article 749 of Ordinance 75-58 dated 26/09/1975, containing the Civil Code, OJAR, No. 78, issued on 30/09/1975, as amended: "Each co-owner has the right to enjoy the private portions corresponding to their share and may freely use the common parts provided that it does not infringe the rights of other co-owners or damage the property. Common parts refer to the facilities or areas in a building jointly owned and used by all owners or tenants in the same building, and they are subject to collective management under the regulations governing shared ownership of real estate" (original in Arabic, translated for clarity).

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industrial property allocated to investors and users. This ensures accurate and up-to-date information for management and planning purposes.

f. **Protection of Industrial Property**

Given its importance for economic development, industrial property is legally protected to prevent damage, encroachment, and misuse. The National Agency for Industrial Real Estate is charged with this protection pursuant to Articles 6, paragraph 6, and 22, paragraph 11 of its founding decree. The agency has the capacity to litigate, represented by its Director General, thereby reinforcing both administrative and judicial safeguards for industrial property designated for investment.

i. Creation of Multi-Service Spaces

The agency can independently or in partnership develop multi-service spaces, equipped with a full range of services, including offices, exhibition and marketing areas, workshops, and storage facilities. To achieve this, it may collaborate with partners from various sectors to finance, manage, or establish these projects, ensuring all conditions required by companies and investors are met. Additionally, the agency can create properties for industrial and commercial use.

Section Two: Organization, Management, and Oversight of the National Agency for Industrial Real Estate

The founding regulatory text of the agency defines its composition, structures, and the mechanisms to be followed for oversight of its activities. In this section, we first examine the organization and management of the National Agency for Industrial Real Estate, and then address the mechanisms for supervising its operations.

Subsection One: Organization and Management of the National Agency for Industrial Real Estate

The agency is managed by two administrative bodies: one with a collective, deliberative character—the Board of Directors—and one with an executive character, represented by the Director General. These will be explained in turn.

1. The Board of Directors as a Deliberative Body

Executive Decree No. 23/488 confirms that the Board of Directors is a deliberative body, defining its collective composition, the terms and duration of its members' mandates, as well as its tasks and operational procedures.

a. Composition of the Board of Directors

According to Article 11 of Executive Decree No. 23-488:

"The Board of Directors of the National Agency for Industrial Real Estate is chaired by the representative of the Minister of Industry and consists of ten (10) members, including the representative of the Minister of Industry, representing several ministries as follows:

- *Representative of the Minister of Interior, Local Authorities, and Urban Planning;*
- *Two representatives of the Minister of Finance;*
- *Representative of the Minister of Energy;*
- *Representative of the Minister of Transport;*
- *Representative of the Minister of Industry;*
- *Representative of the Minister of Tourism;*
- *Representative of the Minister of Environment;*
- *Representative of the Minister of Small Enterprises;*
- *Representative of the Algerian Investment Promotion Agency.*

Any specialist may be consulted to contribute to matters listed on the agenda."

It is noted that the exclusion of the representative of the Minister of Housing under the new text is a shortcoming, given the critical role that

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directorates of urban planning, architecture, and construction play in the preparation of industrial property designated for investment[1].

b. Mandate of Board Members

Pursuant to Article 13 of Executive Decree No. 23-488, members of the Board of Directors are appointed by the Minister of Industry upon proposals from the respective ministers. Members must hold senior positions of at least Director level in the central administration. Their term is three (3) years, renewable once. In the event of a vacancy, a replacement serves only for the remaining term. This term system ensures the functional independence of board members, allowing them to perform their duties impartially and objectively[2].

Additionally, the Algerian legislator adopted a short, renewable term for board members to enhance their effectiveness in performing assigned tasks and to foster a dynamic functioning of the Board. The term is set at three (3) years, renewable once. By contrast, in Article 14[3] of the former Executive Decree No. 07/119, renewal was allowed but the number of renewals was not specified.

c. Duties and Functioning of the Board of Directors

The Board of Directors of the agency performs its duties according to the procedures set out in Articles 15 to 20 of its founding decree, No. 23/488, regarding matters stipulated in Article 14 of the same decree.

These matters include financial aspects, such as the agency’s draft budget, its financial status, the annual management of the agency’s activities as reflected in administrative and financial reports, and the wage system.

1 Executive Decree No. 15/19 dated 15/01/2015, specifying procedures for preparing and delivering urban development contracts, previously cited (original in Arabic).

2 Nouiri, Samia, “Guarantees of the Independence of the Financial Inquiry Unit vis-à-vis the Executive Authority,” Professor Researcher Journal of Legal and Political Studies, Vol. 5, No. 1, Algiers, 2020, p. 204 (original in Arabic).

3 Article 14 of Executive Decree No. 07/119, previously cited (original in Arabic).

They also cover contractual matters, including the terms for entering into contracts and agreements, such as donations, bequests, partnership agreements, and real estate development activities.

Administrative matters fall under the Board's purview as well, including the establishment of annexes and branches across the country, and all issues aimed at improving and organizing the agency and its operations.

The Board deliberates on these matters during regular meetings held three (3) times per year, with two-thirds (2/3) of its members present, under penalty of nullity. Meetings are convened by the Chairperson with an agenda and accompanying documents sent at least ten (10) days prior to the meeting.

Extraordinary sessions may be convened at the request of the Chairperson, the Director General, or upon the proposal of the absolute majority of board members, with notice sent at least five (5) days prior to the meeting.

Decisions are adopted by a simple majority of members, with the Chairperson's vote prevailing in the event of a tie. Deliberations are only valid if two-thirds (2/3) of members are present; if quorum is not met, a second meeting must be held within eight (8) days, at which deliberations are valid regardless of attendance[1].

Minutes of the meetings are recorded in a special, numbered, and indexed register signed by the Chairperson. They only become effective after being submitted to the Minister of Industry for approval within ten (10) days following the meeting, reflecting ministerial supervision and ensuring the legality of the agency's actions.

2. Executive Director (Director General)

The Director General is the agency's chief executive, responsible for its management and achieving its objectives. This position carries

[1] Note that under the National Agency for Industrial Real Estate, the number of regular sessions remained the same, but deadlines for holding meetings were reduced from 15 to 10 days to enhance dynamism, efficiency, and speed of administration (original in Arabic).

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significant authority due to its broad powers and its role in coordinating the agency's various departments. It is therefore essential to examine the Director General's role, including appointment and assigned duties.

a. **Appointment of the Director General**

According to Article 21[1] of the decree establishing the agency and defining its organization and operations: *"The Director General of the Agency is appointed according to the applicable organizational framework."*.

The text does not specify the type of framework—whether the Director General is appointed by presidential decree or by executive decree—unlike Article 21 of the former Executive Decree No. 07-119 under the previous National Agency for Mediation and Property Regulation, where appointment was by presidential decree.

The Director General holds a dual role: acting as both the agency's chief executive and as Secretary General to the Board of Directors. Overall, the Director General's responsibilities are outlined in Articles 22 and 23[2] of Executive Decree No. 23-488.

b. **Duties of the Director General of the National Agency for Industrial Real Estate**

The primary responsibilities assigned to the Director General of the National Agency for Industrial Real Estate include the following:

- **Preparation and Proposal of Organizational and Internal Regulations:** The Director General prepares and proposes organizational projects and internal regulations to the Board of Directors. This requires competence, experience, and managerial expertise. The authority granted by law includes preparing and executing the agency's budget, drafting financial status reports, and preparing annual activity programs. The Director General also manages the agency's financial and material resources,

[1] Article 21 of Executive Decree No. 23-488, previously cited (original in Arabic).
[2] Articles 22 and 23 of Executive Decree No. 23-488, previously cited (original in Arabic).

establishes branches and annexes nationwide, and takes the necessary measures to organize them.

- **Development of Multi-Year Work Plans:** The Director General prepares and proposes multi-year investment, development, and operational plans to the Board of Directors within the agency's area of responsibility.

- **Strategy and Activity Programs:** The Director General drafts and submits for Board approval the agency's strategy concerning trade and economic development, along with its operational programs and anticipated outcomes.

- **Human Resources Management:** The Director General is responsible for appointing and terminating agency employees, acting as the highest administrative authority over them within the framework of applicable laws and regulations.

- **Contractual Authority:** The Director General signs various contracts, agreements, and transactions in accordance with legislation and procedures, subject to internal oversight.

- **Execution of Agency Operations:** The Director General oversees all real estate, financial, and commercial operations related to the agency's missions.

- **Legal Representation:** The Director General represents the agency before all judicial authorities, both as plaintiff and defendant, serving as its legal representative and acting on its behalf in civil matters.

- **Development of Institutional Relations:** The Director General fosters reciprocal relations with analogous institutions and organizations operating in similar fields of activity.

- **Reporting to the Minister of Industry:** The Director General provides the Minister of Industry with all records and documents required under Executive Decree No. 23-488, including the annual report containing the agency's results and achievements, minutes of Board meetings, the agency's internal regulations, and

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the employee wage system[1]. This reflects the agency's relative functional and organizational independence while remaining subordinate to the executive authority[2].

Subsection Two: Oversight Mechanisms of the National Agency for Industrial Real Estate

Despite the independence granted to the National Agency for Industrial Real Estate, the legislator stipulated that it remains subject to state oversight in accordance with applicable laws and regulations, through several monitoring mechanisms, including:

1. Subjection to Ministerial Supervision: Although the agency enjoys autonomy in decision-making and the exercise of powers within the limits set by law, it remains subject to supervisory control by the relevant authority. This is explicitly established by its subordination to the Minister of Industry in multiple provisions of its founding decree. Furthermore, Article 5 of Executive Decree No. 23-488 requires state oversight to ensure that the agency's activities align with its objectives, comply with applicable laws and regulations governing its powers and functions, and do not conflict with the public interest. This oversight is considered limited in scope but contributes to monitoring the agency's proper execution of its assigned tasks.

2. Financial Oversight: The agency's functional independence, including the freedom of deliberation and voting by members of its Board of Directors, does not exempt it from financial oversight. The Director General is required to provide the Minister of Industry with all reports and documents mandated by Executive Decree No. 23-488, including the annual report detailing outcomes, financial statements, and auditors' reports. These documents are then forwarded to the Ministry of Finance, ensuring accountability and transparency.

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[1] Articles 22 and 23 of Executive Decree No. 23-488, previously cited (original in Arabic).

[2] Ahsan Gharbi, "Relativity of Functional Independence of Independent Administrative Authorities," Journal of Research and Human Studies, Vol. 9, No. 2, Algiers, 2015, p. 240 (original in Arabic).

3. Oversight by Auditors[1]:

Although Article 28 of Executive Decree No. 23-488[2] grants the agency the authority to maintain commercial accounting, it remains subject to audit mechanisms defined under public accounting regulations. Pre-audits by budget controllers and post-audits by treasury officials enhance the agency's financial transparency and credibility. Accordingly, one or more auditors are appointed to review its accounts, examine financial statements, analyze its financial position, identify errors or irregularities in accounting entries, and provide recommendations to improve financial and administrative systems. The auditors' reports provide an independent and objective assessment of the accuracy and validity of the agency's financial data.

These oversight mechanisms ensure that the agency operates in compliance with applicable laws and regulations and fulfills its assigned objectives effectively.

Conclusion:

This study examined the legal framework of the National Agency for Industrial Real Estate, which was established as a response to the failures of previous investment policies and the inefficiency of the systems managing industrial zones and activity areas. These systems consumed thousands of hectares and billions of dinars without achieving the desired outcomes. Consequently, the state recognized the necessity of establishing a clear separation between the bodies responsible for granting industrial real estate for investment and those tasked with its development and management. The latter responsibilities were entrusted to the National Agency for Industrial Real Estate. Based on this analysis, the study reached the following key findings:

- The functions of the National Agency for Industrial Real Estate differ fundamentally from those previously assigned to the National Agency for Mediation and Real Estate Regulation, as defined in Articles 3 to 10 of Chapter Two of Executive Decree

[1] Executive Decree No. 11-32 dated 27/02/2011, concerning the appointment of auditors, OJAR, No. 07, issued on 02/02/2011 (original in Arabic).
[2] See Article 28 of Executive Decree No. 23-488, previously cited (original in Arabic).

No. 07-119 and the Assistance Committee for Site Determination, Investment Promotion, and Real Estate Regulation.

- The National Agency for Industrial Real Estate is a public institution with an industrial and commercial character, authorized to provide public service on behalf of the state by fully preparing industrial real estate, ensuring its protection and availability for investment purposes.

- The agency is managed by two administrative bodies: a deliberative collective body, the Board of Directors, and an executive body represented by the Director General.

- Given the deteriorated condition of industrial zones and activity areas, and the scarcity of properly prepared real estate for industrial investment, the agency was established to prepare industrial real estate through internal and external network connections, roads, and the rehabilitation of previously existing areas.

- The agency is delegated by the state as a project owner's representative, tasked with implementing and/or executing all or part of a project or program in the development and preparation of industrial real estate, since unprepared land does not qualify as economic real estate.

- It develops multi-purpose service spaces, fully equipped with facilities to facilitate diverse industries and rental spaces, providing a renewed vision for industrial zones and activity areas by drawing on the experiences of leading countries in this field.

Based on the above findings, the study recommends the following:

- Strengthen the agency's role in granting industrial real estate, rather than limiting it solely to preparation and leasing of constructed spaces.

- Pre-development of industrial real estate, particularly to meet international standards and environmental requirements, requires substantial funding. Accordingly, the state should provide financial support to the agency and establish additional financing mechanisms.

- Allocate a direct budget to the agency from the state budget under the Finance Law to ensure its independence and minimize interference from the supervisory authority, represented by the Ministry of Industry.

- Include the Ministry of Housing in the Board of Directors through its departments of urban planning, architectural engineering, and construction, due to their role in development contracts associated with the preparation of industrial real estate.

- Implement digital management of the National Agency for Industrial Real Estate, particularly for maintaining the industrial property registry and records of economic operators, to enhance transparency and expedite administrative procedures.