

Exercising Commercial Activities in Algeria

The Trade Register

This is a document that is maintained by the National Trade Register Agency. The trade register certificate represents an official document enabling any individual or legal person to conduct commercial activities. It is an absolute proof of validity with regard to third parties until it is disputed.

The validity of the trade register could be subject temporarily limited for some activities. In 2015, the principle of homogeneity and / or compatibility of economic activities subject to registration in the trade register were introduced. The accumulation registration of more than one sector of activity in the same trade register is now prohibited. Exceptions may be granted, in particular, for reasons of commercial utility and supply centers or isolated or underserved communities through distribution network where the accumulation of certain activities from retail distribution and the service sector may be authorized to be mentioned in the same trade register.

Registration with the trade register is required for any individual or legal entity in order to conduct commercial activities. Any person who regularly conducts commercial activities without being registered with the trade registry is guilty of a violation punishable by law.

Registration with the trade registry confers the status of merchant upon any individual or legal entity. The applicant is subject to all consequences associated with that status. Among other things, the person must indicate the registration number received on billheads, order bills, tariffs and prospectuses, as well as on any correspondence pertaining to its enterprise. Certain activities are excluded from the scope of application of Act No. 04-08, such as: Agricultural Activities, Arts and Crafts, Non-Commercial Associations, Non-Profit Cooperatives, Liberal Professions, Public Institutions in charge of Managing Public Services, with the exception of State-owned industrial and commercial enterprises.

Any commercial company subject to registration with the trade registry is required to publish the legal notices provided for in the legislation and the regulation in effect.

The object of the publication of legal notices for legal persons is to inform third parties of the Articles of Association of the company, of transformations, modifications, as well as operations pertaining to share capital, collateral, lease management contracts, sales of business assets, financial accounts and notices.

Commercial activities are registered according to references in a list of commercial activities subject to registration with the trade registry. This one classified the activities sectors as follow: Production of Goods, Artisanal Production Company, Whole Sale Distribution, Import for Resale in the State, Retail Distribution (sedentary and non- sedentary), Services, Export.

In cases of multiple registrations, registration with the trade registry is done by reference to the basic incorporating activity or primary establishment and to reference to secondary establishments. “Basic activity” designates the activity appearing in the first registration with the trade registry. “Secondary activity” refers to the extension of the basic activity or exercised in the area of jurisdiction of the province (*Wilaya*) where the person is established and/or other provinces (*Wilayas*).

The economic activities declared secondary are summarily registered with the trade registry by referring to the main establishment.

In 2015, the electronic means was introduced as registration way in the Trade Registry. Indeed, under the terms of executive decree No. 15-111 on Mai, 03rd, 2015 (Official Journal No. 24) fixing the registration procedures, modification and cancellation of the trade registry, from now it is possible to make the registration in the trade register agency and the transmission of documents by electronically, according to the technical processes of signature and electronic certification. The trade registry may be issued in electronic format.