



Legal Mechanisms for Investment in National Mining Assets in Algeria

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Abstract

Mining assets are considered public property of the state and are protected by law. As a strategic sector, the state attaches great importance to it. Consequently, numerous laws have been enacted to outline the mechanisms for the exploitation of these assets and the methods of investing in them, in a way that allows for revenue generation on the one hand and the preservation of these resources on the other. The activities related to this sector include mineral exploration and mining operations, which aim to extract various discovered but unexploited or newly discovered mineral or fossil materials through such activities.

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Introduction

Real estate ownership is a fundamental pillar upon which most countries rely to build their economic strength and achieve comprehensive development. The more organized, developed, and improved real estate transactions are, the more effectively development can be controlled across all fields.

Among these properties is the mining wealth, which is considered public property of the state and is strongly protected by law, like other public assets. Private individuals cannot own such property, even if it is discovered on land they own, as it falls within one of the state's most strategic sectors — the mining sector. This makes it a subject of considerable state interest, reflected in the enactment of laws that protect these assets and restrict any unauthorized disposal.

During the colonial period, French mining legislation was applied in Algeria, with the goal of integrating Algeria into French territory. After independence, Law No. 62/157 of 31/12/1962 was enacted, extending the application of French legislation except for provisions that conflicted with national sovereignty. Given the sector's importance, Algeria hastened to recover its natural resources through a gradual nationalization process that encompassed several sectors, including mining.

Subsequent legal texts regulating this sector followed, starting with Law No. 84/06 on mining activities, which was later amended by Law No. 91/24 in line with Algeria's economic reforms. This was followed by Law No. 01/10 on mines, which repealed the previous legislation and introduced a new concept — the mining title — as a legal instrument for conducting mining activities. In light of political and economic reforms, this law was also repealed and replaced by Law No. 14/05 in 2014.

This latter law introduced a clear distinction between national public and private investors and abolished the tax incentives provided in the previous law. It also replaced the concept of the mining title with that of a mining license.

By its nature, a mine is considered immovable property. Article 07 of repealed Law No. 84/06 on mining activities stated: “Mines and quarries are considered immovable properties.” Article 4, paragraph 21 of Law No. 14/05 of 24/02/2014 defines a mining site as “a perimeter of land that may contain minerals, mineral elements, or geological concentrations of mineral or fossil materials, or a mineral or fossil deposit that can be exploited or is under exploitation.”

However, in legal literature, a mine is defined as the discovery and exploration of surface or underground resources within a specific geographical area with the aim of extracting mineral wealth. It refers to the geographic area, land, or part of the geological formation that includes the earth’s surface and subsurface, as well as marine areas. These resources — mineral or fossil — differ according to their nature and chemical composition.

A “deposit” refers to a location where geological mineral materials accumulate and can be partially or fully exploited, such as a gold or diamond deposit. Article 4, paragraph 10 of Law No. 14/05 defines a deposit as: “a mineral site or part of it that can be valorized through exploitation.”

The difference between a deposit and a mine, from a legal definition perspective, lies in the fact that a deposit is linked to exploitation or the potential for exploitation, unlike a mine, which is only recognized as such upon the discovery of an exploitable resource.

Mining activities refer to all operations falling under this sector and are primarily represented by exploration and mining operations aimed at extracting various mineral or fossil materials, whether previously undiscovered or already discovered but not yet exploited.

The importance of this topic lies in its relevance to one of the key foundations of Algeria’s economy alongside the hydrocarbons sector. It is based on the exploitation of mineral and natural resources abundant across Algeria’s vast territory of 2,381,741 km² — an extensive domain for mining activities aiming to extract various mineral materials used as raw natural resources in numerous sectors, including industry and agriculture. These are known as “mineral wealth.”

This subject is closely linked to real estate of great significance both to the general population and to the national economy. Given that Algeria’s economy is largely based on public spending, heavily reliant on the hydrocarbons sector and its revenues, it becomes necessary to study means to ensure efficient revenue generation in other sectors such as mining.

Moreover, the topic intersects with various legal domains such as investment law, commercial law, finance law, and civil law. Despite its importance, it has received limited academic attention compared to agricultural, industrial, or tourism-related real estate. In light of all these factors, we raise the following research question:

To what extent have the mechanisms established by the Algerian legislator contributed to regulating the exercise of activities on national mining assets?

We relied on the **analytical method** to analyze legal texts and the **descriptive method** to describe their application cases. The **comparative method** was also occasionally used to compare the new law with its predecessors and with other international laws on the same subject.

The study is divided into two main sections. The **first section** is dedicated to the *legal mechanisms for implementing investments in national mining assets*. In this section, the **first subsection** addresses the legal mechanisms for investing in *mining exploration*, while the **second subsection** covers the legal mechanisms for investing in *mining exploitation*. The **second section** highlights the *impacts of investments on national mining assets*, where the **first subsection** deals with *investors’ rights in mining activities*, and the **second subsection** discusses *investors’ obligations in mining activities*.

Section One:

Legal Mechanisms for Implementing Investments in National Mining Assets

Investment in national mining assets is subject to specific conditions that require protective measures through monitoring and regulation. This is mainly done via licenses issued by the National Agency for Mining Activities (ANAM), representing the first step for any economic operator to engage in investment. These licenses vary depending on the type of activity the investor seeks to undertake. Accordingly, this section is divided into two subsections:

- **Subsection One:** Legal mechanisms for investing in *mining exploration*
- **Subsection Two:** Legal mechanisms for investing in *mining exploitation*

Subsection One:

Legal Mechanisms for Investing in Mining Exploration

Mining exploration involves a set of **geological and geophysical studies** to understand the geological structure of the land, enabling the identification and localization of mineral and fossil materials, along with assessing their type, quality, and exploitation feasibility. In this part, we explore:

- **I:** Legal mechanisms governing *mining prospecting*
- **II:** Legal mechanisms governing *mining exploration*

I: Legal Mechanisms Governing Mining Prospecting

Before discussing the legal mechanisms, we begin by clarifying the concept of mining prospecting and then shed light on the licensing procedures, as follows:

A. Definition of Mining Prospecting:

Mining prospecting is one of the two phases of mining exploration¹. It cannot be undertaken without prior authorization. Article 19 of Law No. 14/05 defines prospecting as:

"Mining prospecting consists of operations that vary depending on the execution area: tactical prospecting for small areas and strategic prospecting for large areas, according to the nature of the mineral ores being studied. This includes specialized prospecting for specific ore indicators or multi-value prospecting for several types of ores²."

Prospecting involves topographic, geological, and geophysical surveys, identification of ore zones, and other specialized research targeting surface indicators of mineral ores to determine their qualities and the geological characteristics of the land³.

While prospecting may be considered the first phase of mining exploration and is carried out under an organized legal framework to conduct in-depth studies of mineral-rich zones, it is not a prerequisite for initiating mining exploration. The latter may also be conducted independently as a first step without preliminary prospecting.

B. Licensing Procedures for Mining Prospecting:

Mining Law No. 14/05 confirms that the regulatory provisions of Law No. 01/10 remain in effect until the issuance of new implementing regulations. Thus, previous provisions governing the procedures and conditions for granting mining licenses remained valid until replaced by those established in Executive Decree No. 18/202⁴.

According to Article 3 of Executive Decree No. 18/202, mining licenses are granted either through bidding (competitive tender) or by direct allocation⁵.

Article 5 of the same decree stipulates that a mining exploration license may be granted directly without the need for a formal competitive bidding process, provided that the investor submits an application in accordance with the provisions of Decree No. 18/202, and provides justification of the technical and

financial capabilities required to carry out the mining activity. This article also specifies that direct granting of mining licenses must fall within the framework of the State-funded mining exploration program, which includes both exploration activities and valid exploration license holders in accordance with **Article 92** of Law No. 14/05⁶.

Upon the enactment of **Law No. 14/05 on Mines**, the **National Agency for Mining Activities (ANAM)** was established, which was granted the general authority to issue mining licenses. However, the regional governor (wali) retains the authority to issue certain specific licenses within their jurisdiction⁷.

Articles 11 to 17 of Executive Decree 18/202 outline the procedures for granting exploration licenses:

- The **National Agency for Mining Activities** submits the application file—compliant with the decree—along with four copies of a form to initiate the administrative investigation.
- The **regional governor (wali)** immediately forwards the file to the competent provincial departments and the municipal people's assemblies in the areas concerned by the mining activity.
- Based on the results of this investigation, the governor(s) give their opinion on the prepared form and send it back to the agency within a maximum period of three (03) months.
- Within one month of receiving a favorable opinion from the regional governor, the **Agency's Board of Directors** evaluates any conflicting requests.
- The applicant is granted the license after signing the **specifications booklet**, as required under **Law 14/05**. If the request is rejected, the applicant is notified with an explanation⁸.
- This decision may be appealed to the **Minister in charge of mining** within thirty (30) days from the date of notification of the rejection⁹.

C. **Scope of the Exploration License and Related Provisions:**

1. Persons eligible to engage in mining exploration:
Law No. 14/05 redefined license holders by establishing a general system and a special system for carrying out mining activities.

- Under the **general system**, any legal entity governed by Algerian law with sufficient technical and financial capacity may engage in mining exploration (of which prospecting is a part), provided that they do not violate current legislative provisions. This applies only to activities not classified as strategic¹⁰.
- Under the **special system**, exploration licenses (such as for prospecting) are granted exclusively to **public economic enterprises wholly owned by the State**. These enterprises may conclude contracts with legal entities governed by public law, provided the public enterprise maintains at least a 51% participation share¹¹. The rights and obligations of the parties must be specified in the contract, which must also be submitted to the National Agency for Mining Activities, which prepares a recommendation to the **Minister**, who grants the right to carry out exploration within a defined area¹².

2. Geographic Scope of the Mining Exploration License:
Articles 79 to 81 define the spatial limits of the license area. They also indicate the type of mineral or fossil substance present on the land. The area must consist of contiguous squares, each covering one hectare, and must share at least one common side. The perimeter of the licensed area is marked on vertical maps without defined limits for extension or depth. Upon obtaining the license, the license holder must immediately install boundary markers in accordance with the procedures and conditions set by the Minister in charge of mining¹³.

If the exploration requires aerial or photogrammetric surveys, the license must be issued only after consultation with the Ministry of National Defense, especially when the targeted sites have security or strategic importance and are part of Algeria's national security policy¹⁴.

Moreover, after obtaining the exploration license, the license holder must approach the **competent regional governor (wali)** to gain access to the land defined by the coordinates of the granted mining perimeter¹⁵.

During the execution of the work program and in accordance with **Articles 89 and 92 of Law No. 14/05**, the **National Agency for Mining Activities (ANAM)** may proceed with reductions in the surface area of the granted perimeter, aligned with the progress of the work program. In this case, the Agency discusses the areas subject to reduction with the license holder, then makes its decision and notifies the concerned party of the new coordinates of the designated exploration perimeter. The regional governor is also informed¹⁶.

3. Duration of the Mining Exploration License:
The duration of the mining exploration license cannot exceed one (1) year.
Article 90 of Law No. 14/05 stipulates¹⁷:
"The duration of the mining exploration license cannot exceed one (1) year. The license holder may request an extension up to two (2) times at most, with each extension lasting six (6) months, provided that the investor has respected the obligations incumbent upon him during the previous license period¹⁸."

4. Acts Pertaining to the Mining Exploration License:
The mining exploration license establishes a right that is **separate from surface ownership**. It **cannot be mortgaged nor subleased**¹⁹.

Here, the legislator distinguished between the nature of the site and the deposit it contains, and the license granted for its exploration. Even though the real estate property contains mineral or fossilized materials, it **cannot be mortgaged** because it is subject to a mining license, which constitutes a right distinct from property ownership. It is expressly provided that **the license cannot be mortgaged or subleased**.

D. Suspension, Withdrawal, Abandonment, or Forfeiture of the Mining Exploration License:
Since the mining license is an administrative permit, it may expire at the will of either party—the license holder or the granting authority—or it may expire by operation of law or due to a court ruling²⁰.

The license may terminate **at the license holder's initiative**, and the legislator has identified two cases: either **abandonment** or **forfeiture**, reflecting the holder's lack of interest in continuing the licensed mining activity.

The legislator used both terms:

- **"Abandonment"** applies to both the license and the activity;
- **"Forfeiture"** applies specifically to the activity without affecting the license itself²¹.

The mining license may also be terminated **at the discretion of the granting authority**. The legislator did not distinguish between the cases of **revocation** and **suspension**, leaving the **National Agency for Mining Activities (ANAM)** the authority to determine the appropriate sanction. These cases are outlined in **Article 83 of Law No. 14/05** and include:

- Violation of the provisions of this law and its implementing regulations;
- Loss of the technical or financial capacities required at the time of license issuance;
- Failure to pay royalties and fees;
- Failure to commence work within six (6) months after the issuance of the exploration license;²²
- Cases of **assignment or transfer**, which are considered grounds for automatic license termination by operation of law.

The license may also expire **independently of the will** of both the holder and the granting authority. This occurs when the license simply reaches the end of its validity period **without renewal**, which is

considered its **natural expiration**—especially when no renewal request is submitted within the legal timeframe²³.

II – Legal Mechanisms Governing Mining Exploration Activity:

A. Definition of Mining Exploration Activity:

The **exploration license** is generally granted **after the prospection phase**. The person who conducts prospection activities is given **priority** in obtaining the exploration license, in order to carry out deeper investigations beyond the surface-level work already conducted²⁴.

Article 20 of Law No. 14/05 defines mining exploration as:

“The mining exploration activity consists of conducting geological and geophysical studies related to structures and subsurface geology, carrying out evaluation work through surface drilling, trenching, and deep drilling; characterizing and analyzing textural standards, concentrations, mineralization criteria, and physical and chemical parameters; performing mineralization tests; identifying processing methods; and preparing the technical and economic feasibility study for the development and exploitation of the deposit. This includes the timing of the scheduled work program and consideration of environmental protection and post-mining phase aspects²⁵.”

B. Method of Granting the Mining Exploration License:

According to **Article 3 of Executive Decree No. 18/204**, mining licenses are issued **either by auction or by direct granting (mutual agreement)**²⁶.

Article 3 of the same decree states that the exploration license may be granted **without a competitive process**, as affirmed in **Paragraph 1 of Article 5 of Executive Decree 18/202**²⁷:

“Mining licenses granted under the exploration program are issued directly, without resorting to auction-based competition.”

However, the applicant must submit a request to the **National Agency for Mining Activities**, providing **justification of the technical and financial capacities** necessary to carry out the requested activities. The required financial capability **differs by activity**—in the case of exploration, it must exceed that of prospection due to the **deeper and more resource-intensive nature** of the work.

The mining exploration phase proceeds through **three successive stages**:

1. **Preliminary exploration**
2. **General exploration**
3. **Detailed exploration**

C. Scope and Provisions of the Mining Exploration License:

1. Geographic Scope of the Exploration Activity:

The geographic location is specified in the license by indicating the **municipality, district, and province** where the activity will take place. After obtaining the license, the holder must contact the **competent regional governor (wali)** to occupy the land, whose boundaries are defined by the coordinates of the granted mining perimeter. The **National Agency for Mining Activities** assists in this process and may also coordinate with **provincial authorities** during the execution of the works. The license clearly defines the area boundaries²⁸.

As for mining exploration **in maritime areas**, **Article 156** stipulates²⁹:

“The Algerian State exercises sovereign rights over all maritime zones mentioned in **Article 2** of this law for the purpose of prospecting and exploiting mineral or fossil resources³⁰.”

This refers to exploration activities conducted **in deep territorial waters**, rather than shallow or coastal waters, and thus falls under the domain of **exploration licenses**³¹.

In addition, the **competent administrative authority** that granted the license may, in accordance with the principle of **parallelism of forms**, **modify the mining perimeter**. This may include **reducing or expanding** the area, or incorporating additional **mineral or fossil substances** not specified in the original license. Any such changes must be accompanied by **supporting documents** as specified by the National Agency³².

2. Duration of the Mining Exploration License:

The duration of the mining exploration license is set at a period **not exceeding three (03) years**. It may be extended **twice at most**, with each extension not exceeding **two (02) years**. Therefore, the **total duration** of the exploration license **cannot exceed seven (07) years**³³.

3. Termination of the Mining Exploration License:

• Expiration of the License by Operation of Law:

The exploration license is valid for a **fixed period**, as previously explained. Once this period expires, the license **automatically terminates**, which constitutes its **natural end**³⁴. The legislator has made it possible to renew the license **twice within the legal deadlines**³⁵.

The exploration license may also end **upon completion of its purpose**. Since the license is issued specifically for exploration, if the intended exploration objective is not achieved, the license naturally expires³⁶.

• Abandonment of the License by the License Holder:

The holder of the exploration license may **at any time abandon** the license, by **notifying the National Agency for Mining Activities (ANAM)** through an explicit request. This request must be accompanied by **all necessary documents**³⁷.

• Termination of the License by the Granting Authority:

The exploration license is an **administrative license** issued by an administrative authority, namely the **National Agency for Mining Activities**. The Agency may unilaterally **terminate the license**, especially when administrative sanctions are applied due to **violations of the legal and regulatory conditions** governing the exploration activity. ANAM exercises a supervisory role, and if it discovers any violation, it has the right to impose sanctions, including license termination.

Termination or withdrawal of the license involves a **prior stage of suspension**. **Articles 58 to 61 of Executive Decree No. 18/202** stipulate that:

- The license holder must be **notified of the suspension**, along with the **observations** (violations) that led to the decision.
- The license holder must **comply within one (01) month**, during which all site activities must be **halted**, and all necessary **safety measures** must be taken to address the violations.

After the license holder responds to the reported observations, the **National Agency for Mining Activities** reviews the situation and **notifies the license holder** either of the **suspension decision** or the **withdrawal** of the license³⁸.

The withdrawal is finalized **after a formal notice period of forty-five (45) days**, and the **license withdrawal decree specifies the date of termination** of the license³⁹.

Subsection two: Legal Mechanisms Governing Mining Exploitation Activities:

Mining activities are divided into **exploration** and **exploitation**. Under the previous law, mining operations were based on a **mining title**, which differs in many respects from the current licensing system in terms of characteristics and governing principles. In the field of mining exploitation, there are two main categories:

- **Licenses for the exploitation of mines or quarries** (First Subsection);

- **Licenses for artisanal mining, collection, or gathering of mineral substances** (Second Subsection).

I: Legal Mechanisms Governing the Exploitation of Mines or Quarries:

A. Concept of the License for Mining and Quarry Exploitation Activities:

The mineral wealth governed by **Law No. 14/05 on Mines** includes **radioactive minerals, solid fuel minerals, metallic minerals and ores, precious metals, precious and semi-precious stones, and non-metallic minerals** (especially those used for construction purposes). These mineral or fossil resources, whether exploited **at the surface** or **underground**, are classified under either the **mining regime** or the **quarry regime**⁴⁰.

A **mine** is defined as a mass of mineral or fossil material, and its exploitation enables the owner to make these materials commercially viable.

Law No. 14/05 defines **mining exploitation activity** as including **development**⁴¹, **expansion, preparatory work, extraction activities**⁴², and the **enhancement of mineral or fossil materials**. Exploitation covers both:

- The exploitation of mineral or fossil deposits under the **mining system**, and
- The exploitation of mineral deposits under the **quarry system**⁴³.

B. Method of Granting Licenses for the Exploitation of Mines or Quarries:

Article 03 of Executive Decree No. 18/202 stipulates:

"Licenses are granted by mutual agreement, through auction, or by direct granting⁴⁴."

Licenses are **granted by mutual agreement** or **directly** to those holding a discovery right⁴⁵. Thus, individuals who have made a discovery can directly obtain a license for the exploitation of a mine or quarry. However, **this is not the only method** for granting exploitation licenses, as licenses may also be **granted through auction**.

1. Granting Mining Exploitation Licenses for Mines or Quarries through Direct Award: **Article 106 of Law No. 14/05** states:

"Priority for the granting of a license to exploit a mine or a quarry shall be given to the holder of an exploration license who has evaluated the deposit and wishes to commence mining exploitation..."⁴⁶

Thus, a holder of a **mining exploration license** who discovers mineral or fossil substances has a **discoverer's right** and can directly obtain a mining exploitation license **without a formal competitive bidding process**.

However, the investor must submit an application in accordance with **Executive Decree No. 18/202** and provide justification of **their technical and financial capabilities** necessary to carry out the activities⁴⁷.

2. Granting Mining Exploitation Licenses for Mines or Quarries through Auction: Direct granting is not the only method. Mining exploitation licenses may also be **granted through auction** for **open areas** and **sites that have not yet been allocated**⁴⁸.

Article 106 specifies:

"Mining licenses related to discovered or evaluated sites that have not yet been awarded by the competent administrative authority shall be granted through auction⁴⁹."

Auctioning is a procedure aimed at receiving offers from multiple bidders following a call for competition and selecting among them according to specific requirements set out in the **specifications booklet**, which defines the applicable conditions and obligations. Two conditions must be met for this method to apply⁵⁰:

- The sites must be intended for **mining** or **quarry exploitation**;
- The sites must constitute **open areas**⁵¹.

The **administrative authority** is responsible for **organizing the auction** for granting mining exploitation licenses for mines or quarries⁵².

C. Scope of Mining Exploitation Licenses for Mines or Quarries and Related Provisions:

1. Geographic Scope for Conducting Mining Exploitation Activities:

The mining exploitation license specifies the **named location, municipality, district, and province**, along with the **coordinates of the perimeter peaks** and the **surface area in hectares**⁵³.

After obtaining the exploitation license, the license holder must approach the **competent regional governor (wali)**⁵⁴ to occupy the land defined by the coordinates of the granted mining perimeter. The **National Agency for Mining Activities (ANAM)** assists in this process⁵⁵. If necessary, the license holder may also seek assistance from the **provincial services**⁵⁶.

If the mining exploitation concerns a **marine site** where the Algerian State exercises its sovereignty, the site—whether wholly or partially—falls under the adjacent province's jurisdiction.

The licensed area must consist of **multiples of hectare-sized squares**, calculated according to methods and conditions determined by a decision of the **Minister in charge of mining**⁵⁷. It is important to note that **vacant spaces resulting from mining exploitation**, whether during active operations or after suspension, **cannot be used for purposes other than those authorized**, unless prior approval is obtained from the **National Agency for Mining Activities**⁵⁸.

If the license holder's activity concerns **only a portion** of the granted perimeter and there are **no prospects** for further development or expansion over the remaining area, the Agency may **decide to reduce** the perimeter to the areas where exploitation is actually taking place⁵⁹.

Under no circumstances can licenses be granted inside areas covered by **international agreements designating them as protected areas**.

According to **Executive Decree No. 18/202**, the **maximum area** for a **quarry exploitation license** is **five (5) hectares**⁶⁰.

2. Duration of the Mining Exploitation License for Mines or Quarries:

The Algerian legislator has set the duration of a mining exploitation license for **mines** at **twenty (20) years, renewable multiple times**, with each renewal not exceeding **ten (10) years**, provided that the site remains **exploitable**⁶¹.

Renewals are conditional upon:

- **Approval by the National Agency for Mining Activities** based on the financial and technical study of the previous phase;
- Verification of the investor's fulfillment of obligations undertaken during the initial exploitation phase.

Thus, the extension is granted **based on the results of the Agency's oversight**.

As for **quarry exploitation licenses**, they are granted for a **maximum of four (4) years**, and can be **renewed only once** for an additional **four (4) years** by the competent regional governor (wali). However, the **license expires automatically** once the associated project is completed, **even if the licensed period has not yet ended**⁶².

D. Acts Pertaining to Mining and Quarry Exploitation Licenses:

1. Renewal or Extension: Article 107 stipulates⁶³:

"A license to exploit a mine or a quarry is granted by the competent administrative authority after payment of the document preparation fee, for a maximum period of twenty (20) years, with the possibility of renewal multiple times for periods of ten (10) years or less for each renewal⁶⁴."

The site must remain **exploitable** and the renewal is subject to:

- Fulfillment of work and investment commitments by the license holder;
- Approval by the competent administrative authority of the planned work program and expenditures for the requested renewal period.

The renewal request must be processed **under the same forms and conditions** as the initial license granting⁶⁵.

The **National Agency for Mining Activities** acts as the **competent administrative authority**, conducting:

- **Post-implementation oversight** for the initial phase, and
- **Pre-approval control** for the subsequent phase of the renewed license⁶⁶.

All **license renewal applications** for the exploitation of mines or quarries must be **submitted at least six (6) months before** the current license's expiration⁶⁷.

If the license was granted by the **regional governor** for a quarry, the license **cannot exceed four (4) years** and **may only be renewed once** for a maximum of **four (4) additional years**. It automatically expires at the **completion of the project**⁶⁸.

2. Assignment and Transfer:
The Algerian legislator has allowed mining and quarry exploitation licenses to be **assigned or transferred**, either **partially** or **totally**. However, the law does not explicitly define the distinction between "assignment" and "transfer."

Law No. 14/05 states that:

"Any protocol concluded by the license holder regarding the assignment or total/partial transfer of the rights and obligations resulting from the mining or quarry exploitation license is subject to **prior approval** by the **National Agency for Mining Activities**, which issued the license."

This approval is **subject to specific conditions** determined by the Agency⁶⁹.

However, the legislator expressly **prohibited**, under penalty of nullity, that the license for the exploitation of mines or quarries be **subleased**, either wholly or partially⁷⁰. Additionally, **mineral or fossil deposits** are considered **real estate property**, but they **cannot be mortgaged**. The mining license constitutes a **right separate from surface ownership**; it **cannot be mortgaged or subleased**⁷¹.

E. Termination of the License for the Exploitation of Mines and Quarries:

• **By abandonment or relinquishment:**
The license for the exploitation of mines and quarries terminates either upon the expiration of its defined term, marking its **natural end**⁷², or upon the **exhaustion of its object**, meaning that the license terminates when the intended purpose is fulfilled. It may also end **at the license holder's initiative**, either through **relinquishment** (concerning the license itself) or **abandonment** (concerning the activity)⁷³. However, **the site itself cannot be abandoned**, since the license holder remains bound by **post-mining obligations** as stipulated in **Articles 36 and 49 of Executive Decree 18/202**.

• **By suspension or withdrawal:**
Since the mining exploitation license is an **administrative authorization** issued by a competent administrative authority, the latter may unilaterally **terminate the license**, as an administrative sanction for violations of the legal conditions governing the activity. Even after the termination of the mining exploitation license, **post-exploitation obligations** remain binding⁷⁴.

- **By judicial decision:**
The license for the exploitation of mines or quarries may also be terminated by a **court ruling**, in cases of violations of legal provisions or breaches of public order, following judicial procedures initiated by the competent administrative authority, whether for activities conducted **on land or at sea**⁷⁵.

II – Legal Mechanisms Governing Artisanal Mining Exploitation, Collection, and Gathering of Mineral Materials:

A. Concept of the License for Artisanal Mining Exploitation, Collection, and Gathering of Mineral Materials:

Artisanal mining exploitation refers to **activities using limited mechanical means or no mechanical means** at **all**⁷⁶.

It does **not require significant mechanical equipment, capital, or highly specialized skills**⁷⁷. The activity is **limited to collecting mineral substances** that are naturally present on the **surface of the land**.

The **use of mechanical extraction tools and explosives** is strictly prohibited.

Furthermore, **any collection or gathering activity** that would **damage the environment**—by causing cavities, subcavities, or any other visible or hidden changes to the land’s topography—is prohibited⁷⁸.

The **National Agency for Mining Activities (ANAM)** issues **licenses for artisanal mining exploitation and licenses for the collection and/or gathering** of mineral materials naturally found on the surface, through a **direct granting process** following a review of the application submitted by the interested party⁷⁹.

B. Scope of the License for Artisanal Mining Exploitation, Collection, and Gathering of Mineral Materials, and Related Provisions:

1. Persons Eligible to Engage in Artisanal Mining Exploitation, Collection, and Gathering Activities:

Artisanal mining exploitation, collection, and gathering activities related to quarry-type mineral or fossil substances **are not considered strategic activities**, and thus the licenses **may be granted to any natural or legal person of Algerian nationality**⁸⁰.

The Algerian legislator has **expanded eligibility** for engaging in this sector, allowing:

- **Natural persons or legal entities** governed by Algerian law;
- Those registered in the **Commercial Register** (as the activity is classified as a commercial activity)⁸¹;
- Regardless of whether they are registered in the **Register of Handicrafts and Traditional Industries** for artisanal mining exploitation⁸².

2. Geographic Scope for Conducting Artisanal Mining Exploitation, Collection, and Gathering Activities:

The mining license specifies the **boundary limits** for the licensed area, which must consist of **contiguous squares**, each covering **one (1) hectare**⁸³.

The legal texts of **Law No. 14/05** and **Executive Decree No. 18/202**, which govern the procedures for granting mining licenses, **do not specify a separate geographic limitation** for artisanal mining exploitation.

Thus, the holder is entitled to **access and operate** strictly within the licensed area.

However, **Article 4** of **Executive Decree No. 02/469** on mining activities related to collection and gathering specifies:

"The maximum authorized surface area for a collection and/or gathering perimeter is **five (05) hectares**⁸⁴."

The mining license holder must, immediately upon obtaining the license, **begin installing the boundary markers** for the mining perimeter in accordance with the procedures and conditions established by a decision of the **Minister of Mines**⁸⁵. The installation of these markers must occur **within three (03) months** from the date of granting the license⁸⁶.

In the case of a **license renewal request**, the **perimeter and the surface area granted** to the beneficiary may be **adjusted by reduction** based on resource abundance. The seasonal abundance varies by region as follows:

- From **October 1st to the end of April** in Tindouf, Tamanrasset, Adrar, and Illizi;
- From **September 1st to the end of May** in Biskra, El Oued, Laghouat, Ouargla, El Bayadh, Naâma, Béchar, and Ghardaïa;
- In all other provinces, it applies **year-round**⁸⁷.

3. Duration of Artisanal Mining Exploitation, Collection, and Gathering Activities:

Both the **artisanal mining exploitation license** and the **collection and/or gathering license** for mineral materials from surface deposits are issued **in exchange for a document preparation fee**.

- The duration of an **artisanal mining exploitation license** is **five (05) years, renewable multiple times**, each renewal for a period **not less than or equal to two (02) years**⁸⁸.
- The **collection and/or gathering license** is granted for a **period not exceeding two (02) years, with the possibility of renewal**⁸⁹.

C. Acts Pertaining to the License for Artisanal Mining Exploitation, Collection, and Gathering:

1. Renewal of the License:

The Algerian legislator requires **two main conditions** for renewing licenses:

- **Timing:** For artisanal mining exploitation licenses, the renewal request must be submitted **six (06) months before** the expiration of the current license, along with a list of documents filed with the **National Agency for Mining Activities**.
- **Fulfillment of obligations:** The investor must have fulfilled all commitments.

Renewals for artisanal mining exploitation licenses can occur **several times**, each time for a **period not less than or equal to two (02) years**. For collection and/or gathering licenses, **each renewal** can be **up to two (02) years**, without specifying the maximum number of renewals⁹⁰.

2. Termination of the License:

The license expires⁹¹:

- **At the end of its term;**
- **If a renewal request is not submitted in time;**
- **Upon the depletion** of the mineral resource being exploited.

The holder of the artisanal mining exploitation license or collection/gathering license may also **abandon the license at any time** by **notifying the National Agency for Mining Activities**. However, the abandonment becomes **effective only after acceptance** by the Agency through an **express decision** and must be accompanied by documents specified by the **Mining Police**, demonstrating fulfillment of obligations. Despite abandonment, the investor remains responsible for **post-mining obligations**⁹².

3. Suspension and Withdrawal of Licenses:

The **National Agency for Mining Activities** may:

- **Suspend the license** if the renewal is not requested within the legal timeframe or if obligations are not fulfilled, by formally notifying the holder.
- **Withdraw the license** if the licensee fails to address the notified deficiencies within the specified time limits.

The withdrawal is a **unilateral administrative sanction** due to the investor's breach of practice conditions.

Section two: Effects of Investments on National Mining Properties:

Upon the issuance of a mining license, a **bilateral relationship** is established between:

- The **investor** on one side, and
- The **National Agency for Mining Activities** or the **competent regional governor** on the other.

The Algerian legislator has set forth **rules and regulations** to govern this relationship, specifying:

- The **rights granted to the investor** (discussed in Section I), which are considered incentives primarily aimed at:
 - Encouraging investments,
 - Motivating other investors, particularly **foreign investors**, and
 - Attracting **foreign capital** to exploit national resources, thus benefiting the **national economy**.
- The **obligations imposed on the investor** (discussed in Section II), designed to:
 - **Limit the investor's freedom** to ensure **the protection of national wealth**,
 - **Prevent overexploitation**,
 - And **safeguard the environment**.

Subsection One: Investor Rights in Mining Activities

The mining investor seeks to explore, extract, exploit, and resell mineral substances. To enable the investor to carry out these activities freely, they must be granted a set of rights, as mines inherently involve specific easements related to passage, drainage, and water flow. The legislator has established two main rights for the holder of a mining license: the right to occupy land and related rights (*Subsection One*), and legal easements (*Subsection Two*).

I. Occupation of Land and Attached Rights

A. Conditions for Occupying Land and Attached Rights
These conditions are detailed in the following points⁹³:

1. **Occupation must be within the licensed area:**
Article 79 of Law No. 14-05 states that *"the mining license specifies the boundaries of the area to which the license applies and clarifies the mineral or fossil substances for which it is granted."* The licensed area must be precisely determined in terms of both size and boundaries. It is prohibited to exercise land occupation rights or mining activities beyond the defined boundaries.

2. **The land must be necessary for the activity:**
Algerian legislation stipulates that, to occupy land for mining activities and the attached rights, the land must be necessary for such activities⁹⁴. Examples provided (by way of illustration, not limitation) include: constructing infrastructure and facilities specific to the mining activity, conducting exploration and exploitation works such as drilling, building accommodations for employees (e.g., life bases), establishing infrastructure for transporting equipment, and installing infrastructure for water and energy supply⁹⁵.

3. **Occupation must continue only during the license validity period:**
Occupation of the designated land is permitted only for the duration of the mining license. If the license expires for any reason—whether through non-renewal, withdrawal, or suspension—the right to occupy the land also ends⁹⁶.

B. Value of Compensation for Land Occupation

The types of ownership of the land occupied by the mining investor vary, and thus the entity responsible for determining the value of compensation differs depending on whether the land is privately owned, public, or held as waqf (religious endowment):

• Privately Owned Lands:

The legislator differentiates between several situations:

- *Case of mutual agreement between the landowner or holder of a real right and the mining licensee:*

Article 112 of Law No. 14-05 provides that *"occupation of land and attached rights, in the case of a mutual agreement between owners, holders of real rights, or lawful occupiers, is concluded through a contractual commitment between the parties"*⁹⁷.

- *Case of disagreement between the landowner or real rights holder and the mining licensee:*

If no agreement is reached between the parties regarding land occupation and the attached rights, the dispute is referred to the competent judicial authority.

- *Case of mining exploration:*

Article 115 of Law No. 14-05 stipulates that *"occupation of national domain lands or lands belonging to private law entities is granted free of charge if the activities concern mining exploration and cause no harm"*⁹⁸.

- *Case of deprivation of land use:*

According to Article 116, if the landowner or real rights holders are deprived of land use for more than three (03) years, they are entitled to request the purchase of all or part of the land at a price based on the value of the land during its occupation⁹⁹.

- *Case of public utility:*

Expropriation for public utility purposes is considered an exceptional process, justified by the seriousness of interfering with individual property rights if used without legal constraints¹⁰⁰.

• Lands Belonging to the National Domain:

Article 118 of Law No. 14-05 states: *"Lands belonging to the national domain are allocated for the purpose of mining activities in accordance with the legislation and regulations in force"*¹⁰¹.

It is well-known that public properties of the national domain are owned either by the State, the province (wilaya), or the municipality¹⁰².

"Allocation" is defined under Article 86 of Law No. 90-30 as *"the use of immovable or movable property owned by a public entity to perform a task serving public interest, by placing a national domain property under the disposal of a ministerial department, a public service, or an institution affiliated with either, to enable them to fulfill the assigned mission"*¹⁰³.

When land occupation occurs through a permit or an administrative contract, it is typically free of charge.

- Lands Included within Endowment Properties:

The legislator did not address in the Mining Law the issue of lands belonging to endowment properties that could be subject to mining activities. Referring to the law governing endowments¹⁰⁴, it stipulates the possibility of leasing endowment properties, generally through public auction and, exceptionally, through mutual agreement.

Section Two – Legal Easements:

1. Types of Legal Easements:

- **Right of Way:**
According to Article 119 of Law No. 14/05, it is stated: *"Among the legal easements are those related to entry and passage..."*¹⁰⁵. The absence of roads leading to the mining activity area sometimes necessitates the search for a passage connecting the mine to the public road.

- **Right to Install Pipelines or Right of Drainage:**
According to Article 220 of Law No. 14/05, the legislator clarified that the right granted to the holder of the mining license includes the installation of pipelines, whether they concern water pipes needed for mining activity and sourced from distant lands, drainage pipes from the mine, gas pipelines, or electricity transmission lines, as well as any other pipelines necessary for mining operations. This right is established over others' lands, whether through underground passage, surface crossing, or aerial overflight¹⁰⁶.

2. The Landowner's Position:

- **In the Case of Mutual Agreement:**
If the owner of the plot of land subject to mining activity agrees and enables the mining license holder to exercise easement over his land or part of it, there arises no issue since it is governed by contract.

- **In the Case of Disagreement:**
Disagreement may arise either through the complete refusal of the neighboring landowner or through the failure to agree on the amount of compensation. However, such refusal does not nullify the easement right, as it is established by force of law. In this case, the mining license holder may assert his right by resorting to judicial proceedings as a general rule. Nonetheless, the Mining Law establishes that this right can be granted through an administrative decision issued by the regionally competent governor, following specific procedures¹⁰⁷.

3. Publicity of the Easement Decision:
According to Article 122 of Law No. 14/05, it is stated: *"The decision regarding the easement shall be published in the Land Registry Office to which the burdened property belongs, and disputes and objections that may arise regarding the easements or corresponding compensations shall be resolved in accordance with the legislative and regulatory provisions in force"*¹⁰⁸.

Subsection Two: Investor Obligations in Mining Activities:
The Algerian legislator has granted the holder of a mining license a set of rights to enable them to carry out their activity smoothly and easily. Simultaneously, it has imposed a set of obligations on them, enforcing strict control over their operations, namely: the proper conduct of mining activities (First Branch) and environmental protection (Second Branch).

I. Obligation of Proper Conduct of Mining Activities:

A. Procedural Guarantees for the Proper Conduct of Mining Activities:

- **Updating Plans and Registers Necessary for Monitoring Exploitation Works:**
The mining license holder is required to maintain numbered and officially endorsed registers by the mining authorities. These registers are essential for the continuation of mining activities and facilitate inspection by the mining police.

- **Submission of Periodic Reports to Competent Authorities:**
The Algerian legislator obliges mining license holders to submit two types of reports to the bodies overseeing mining activities:

- A mining activity report, to be sent periodically every six months;
- A report on the works upon the expiration of the mining license.

- **Legal Deposit of Geological Information:**
According to Article 125 of Law No. 14/05, the mining license holder must submit the legal deposit of

geological information within three (03) months prior to the expiration of the mining license, under penalty of suspension or revocation of the license¹⁰⁹.

- **Hosting Intern Students Specializing in Mining:**

This obligation serves to develop and support scientific research, particularly its practical aspect. The mining license holder may only refuse hosting interns with justified reasons¹¹⁰.

- **Providing Full and Qualified Technical Supervision for All Mining Activities:**

According to Article 129 of Law No. 14/05: *"The mining license holder must provide qualified supervision for all activities related to mining exploration and exploitation."*¹¹¹

B. Legal Guarantees for the Exercise of Mining Activity:

- **Insurance Against Risks:**

The Algerian legislator requires mining license holders engaged in mining exploitation activities to contract insurance. This requirement covers two types of insurance¹¹²:

- Civil liability insurance;
- Mining risk insurance.

- **Protection of Workers' Health and Respect for Their Rights:**

According to Article 124 of Law No. 14/05: *"The employer must protect the health of workers and respect their rights as provided for in the applicable legislation"*¹¹³. This includes health protection in accordance¹¹⁴ with the Social Security Law and respecting their rights under Labor Relations Law¹¹⁵.

II- Obligation to Preserve the Environment:

A. Prior Control of Mining Activities:

- **Commitment to Biodiversity Conservation:**

The Environmental and Sustainable Development Law defines environmental¹¹⁶ conservation as a principle by which every activity must avoid causing significant harm to biodiversity¹¹⁷. Mining operations often require the removal of vegetation to create the mine site¹¹⁸, processing units, waste and debris collection areas, and access roads. In applying this principle, the legislator requires the mining license holder to preserve plant and animal wealth¹¹⁹.

- **Commitment to Prevent the Degradation of Natural Resources:**

According to Article 3 of Law No. 14/05: *"No mining activity may be authorized in sites protected by international agreements"*¹²⁰.

The protection of natural resources¹²¹ (such as water, air, soil, and subsoil) is critical due to their scarcity or their aesthetic or historical value¹²².

- **Prevention and Remediation of Environmental Damage:**

The Algerian legislator requires that every applicant for a mining or quarry exploitation license must attach to their application an Environmental Impact Assessment and a Risk Study concerning their mining activity, along with an Environmental Management Plan and a Rehabilitation Plan¹²³. These tools serve as preventive measures to correct environmental damages, with two conditions:

- Knowledge of the damages to be avoided;
- The use of the best available technology.

- The Algerian legislator obliges the mining license holder to inform local authorities and competent bodies, particularly the National Agency for Mining Activities, in the event of an accident causing death or serious injury during the exercise of mining activities¹²⁴.

B. Post-Operational Monitoring of Mining Activities:

- **Application of the Polluter Pays Principle:**

This principle emerged within the framework of the Organisation for Economic Co-operation and Development (OECD) in 1972 as an economic principle aiming to make the polluter bear the costs of pollution prevention and control to maintain an acceptable environmental condition. The Algerian legislator incorporated this principle in Article 3 of the Environmental Law, requiring the party causing environmental damage to assume responsibility for it and to restore the affected sites. This principle is also reflected in the Mining Law No. 14/05¹²⁵.

- **Obligation to Pay Ecological Fees:**

Taxation is considered one of the newly established national policies for environmental protection against pollution.

It requires the mining license holder to pay a specified monetary amount aimed at protecting the environment, which is then incorporated into the product's price, creating an incentive for producers and consumers to shift away from environmentally harmful products¹²⁶.

- **Management of the Post-Mining Phase:**

Post-mining phase is defined in Article 4 of Law No. 14/05 as: *"The activities and responsibilities aimed at rehabilitating and restoring exploited mining sites to their original condition after the mining license expires, taking into account the protection of nearby populations' health, public safety, ecological balance, and the principles of sustainable development"*¹²⁷.

From this definition, it is evident that post-mining site management falls on the mining license holder, even after the expiration of the license and cessation of mining activities, with liability for damages resulting from the exploitation extending into the post-mining period.

- **Undertaking Necessary Works to Remedy Damage:**

The mining license holder is responsible for both the mine closure phase and the post-closure phase¹²⁸. This responsibility must be anticipated early on, at the stages of planning and design, by preparing appropriate plans and studies necessary for obtaining the mining license, including rehabilitation and site restoration plans.

- **Preserving Public Health and Safety:**

- **Financial Viability:**

The cost of mine closure and post-closure activities must be included in a feasibility study during the planning and design stages. This must cover at least the provision of adequate financial resources through appropriate financial instruments to cover closure costs. It is noteworthy that the percentage of this provision is determined by the National Agency for Mining Activities, based on the degree of damage and changes, without exceeding 2% of the annual turnover excluding taxes¹²⁹.

- **Physical Safety:**

All constructions, such as waste containment facilities, must remain stable to prevent posing risks to public health and safety due to physical collapse or deterioration¹³⁰.

- **Chemical Safety:**

Surface and groundwater must be protected from the negative environmental impacts resulting from exploration activities and processing operations.

Respect for Sustainable Development Principles:

- **Definition of Sustainable Development:**

Sustainable development is defined as a set of conditions and legal means enabling the preservation of growth and the achievement of rising income and economic welfare, both for present and future generations. It encompasses several dimensions¹³¹:

○ Economic Dimension:
Sustainable development requires adopting economic methods that continuously and sustainably increase real income, as opposed to short-term policies that may lead to long-term poverty. Hence, the economic dimension of sustainable development involves maintaining the overall stock of natural and industrial capital necessary to ensure welfare and its smooth transfer to future generations. Mining activities must thus be conducted rationally, taking into consideration the rights of future generations to natural resources¹³².

○ Social and Cultural Dimension:
The social dimension provides a set of social techniques to foster coordinated social action, curb harmful behaviors, strengthen social cohesion, maintain alternative social arrangements, and promote social justice.
The post-mining phase specifically aims at rehabilitating the site for potential future use in other activities¹³³.

○ Ecological Dimension:
There is no doubt that the post-mining phase fundamentally aims to protect the environment and safeguard the property that was previously exploited. Measures taken during this phase are intended to preserve the ecological system. Therefore, the link between environmental protection and sustainable development is considered intrinsic, with post-mining management emerging as a key mechanism for maintaining environmental integrity and property safety after exploitation¹³⁴.

Conclusion

The Algerian legislator has classified mining activity as a regulated activity that cannot be practiced without obtaining a license granted by a competent administrative authority — namely, the National Agency for Mining Activities. In the field of mining exploration, this includes both *mineral prospecting* and *mineral exploration* activities. In the field of mining exploitation, it includes the licensing for *mine exploitation*, *quarry exploitation*, *artisanal mining exploitation*, and the *collection and gathering and/or harvesting of mineral substances*.

Despite the multiplicity of legal mechanisms applicable to each of these activities, which appear outwardly unified, Law No. 14/05 relating to mining distinguishes each activity in terms of the entitled person, the method and procedures for granting the license, the duration, the geographic scope for the exercise of the activity, and the permissible acts on the granted license, reflecting the specificities of each activity. This differentiation constitutes a form of preliminary control exercised by the public authority over this strategic asset.

Law No. 14/05 grants a set of rights to investors practicing mining activities, primarily the right to occupy a specific plot of land and the associated rights within the limits of the area designated in the license. The investor may possess this land under specific conditions and in exchange for fair compensation paid to the original landowner or holder of a real right over the property. In addition to the right to occupy the land, the mining license holder enjoys easement rights, given that mining activity necessitates access to and from the activity site, sometimes requiring the use of roads distant from public roads, as well as the installation of essential channels such as those for water, electricity, and mineral transport. Besides these rights, there are obligations incumbent upon the mining investor, namely, ensuring the proper conduct of mining activities through procedural and legal guarantees, and protecting the environment and preserving the property, through both prior and subsequent controls carried out by regulatory authorities — primarily the National Agency for Mining Activities.

Based on these findings, the following recommendations can be proposed:

- Reconsider the practice of direct granting of mining licenses and subject all licenses to competitive bidding to attract the best offers and qualified actors for mining activities, while combating administrative corruption and bureaucracy.
- Amend Law No. 14/05 to align with global economic and political changes, and refer to comparative law to benefit from successful international experiences in the mining sector.
- Impose strict monitoring on potential deposits that may be vulnerable to illegal exploitation.
- Establish processing industries for extracted raw materials to reduce the import bill and utilize these materials in projects that benefit all economic and social sectors.
- Rely on financial penalties and fines instead of license suspension or withdrawal as disciplinary measures, as monetary sanctions tend to be more effective deterrents.
- Mandate the use of modern techniques and technologies to preserve the environment and restore sites to their original state through methods such as land leveling and tree planting.

In conclusion, Law No. 14/05 achieves, to some extent, legal security in the field regulating mining activities in Algeria — a sector that, despite Algeria's immense wealth of natural resources, has yet to receive adequate attention or be exploited in a way that generates the anticipated economic benefits.

¹ Mohamed Belfadel, Sophie Ben Daoud, The Mining License as a Mechanism for Activity Practice and Environmental Protection, *Revue El Oustadh El Baheth for Legal and Political Studies*, Vol. 04, No. 02, 2019, p. 643.

² Article 19 of Law 14/05, dated 24/02/2014, includes the Mining Law, Official Gazette No. 18, published on 30/03/2014; see also Assia Rehamnia, Mining Activity as a Regulated Economic Activity, Master's thesis in Business Law, University of Algiers, 2010/2011, p. 16.

³ Ibid., p. 17

⁴ Website: www.elmohami.com, accessed on 11/02/2021 at 21:00.

⁵ Article 3 of Executive Decree No. 18/202, dated 05/08/2018, specifying the procedures and methods for granting mining licenses, Official Gazette No. 49, published on 08/08/2018.

⁶ Article 5 of Executive Decree No. 18/202, previously mentioned.

⁷ Mohamed Belfadel, Sophie Ben Daoud, previously cited article, p. 647..

⁸ Article 12/02 of Executive Decree No. 18/202, previously mentioned.

⁹ See Article 12/03 of Executive Decree No. 18/202, previously mentioned.

¹⁰ See Article 69 of Law 14/05, previously mentioned.

¹¹ See Articles 70 and 72 of Law 14/05, previously mentioned.

¹² Article 72 of Law 14/05, previously mentioned.

¹³ See Articles 79 to 81 of Law 14/05, previously mentioned.

¹⁴ See Article 14 of Executive Decree No. 18/202, previously mentioned.

¹⁵ See Articles 79 to 81 of Law 14/05, previously mentioned.

¹⁶ See Article 15 of Executive Decree No. 18/202, previously mentioned.

¹⁷ Assia Rehamnia, previously cited reference, p. 29.

¹⁸ Article 90 of Law 14/05, previously mentioned.

¹⁹ Article 13 of Law 14/05, previously mentioned. This contrasts with French legislation, which grants the surface owner ownership of the subsoil under Article 522 of the French Civil Code:

www.legifrance.gouv.fr/code — "la propriété du sol emporte la propriété du dessus et du dessous".

Accessed on: 22/02/2021 at 20:00.

²⁰ See the same reference, p. 657.

²¹ Articles 84, 85, and 86 of Law 14/05, previously mentioned.

²² See Article 83 of Law 14/05, previously mentioned.

²³ Mahmoud Sardoun, previously cited, p. 174.

²⁴ Ibid., p. 193.

²⁵ See Article 20 of Law 14/05, previously mentioned.

²⁶ See Article 3 of Decree 18/202, previously mentioned.

²⁷ Article 5 of Executive Decree 18/202, previously mentioned.

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- ²⁸ Ahmed Tali, previously cited, p. 92.
- ²⁹ Article 2 of the United Nations Convention on the Law of the Sea.
www.un.org/depts/los/convention-agreements/texts/unclos-a
Date and time accessed: 01/04/2021, 19:00.
- ³⁰ Article 156 of Law 14/05, previously mentioned.
- ³¹ See Article 10 of Law 08/14, dated 10/07/2008, amending Law 90/30 on National Property, Official Gazette No. 44, published on 13/07/2008.
See also: Ben El Hadj Zahia, The Specificity of Investment in the Mining Sector, Academic Journal of Legal Research, 2017 Issue, p. 484.
- ³² See Articles 23 and 24 of Law 14/05, previously mentioned
- ³³ Mahmoud Sardoun, previously cited, p. 139. See Article 95 of Law 14/05, previously mentioned.
- ³⁴ Ibid., p. 178.
- ³⁵ See Article 101 of Law 14/05, previously mentioned.
- ³⁶ Mahmoud Sardoun, same reference, p. 178.
- ³⁷ See Article 25 of Executive Decree 18/202, previously mentioned. See also: Sardoun Mahmoud, same reference, p. 179.
- ³⁸ See Articles 58–61 of Executive Decree 18/202, previously mentioned. See: Mahmoud Sardoun, previously cited, p. 181.
- ³⁹ See Article 63 of Executive Decree 18/202, previously mentioned.
- ⁴⁰ See Article 07 of Law 14/05, previously mentioned.
- ⁴¹ Leila Boukhdimi, Analytical Study of the Mining Law 01/10, Master's thesis in Law, University of Algiers, 2008/2009, p. 98.
- ⁴² The construction of the necessary infrastructure for the initiation of underground mining operations, notably wells, inclined shafts, and galleries leading to the deposit, or during the extension of exploitation to a neutral zone, as well as all works required in the framework of preparing surface mining, access roads, soil removal to reach the mineral material, and the creation of primary extraction benches.
- ⁴³ See Article 21 of Law 14/05, previously mentioned. See also: Mahmoud Sardoun, previously cited, p. 142.
- ⁴⁴ Article 03 of Executive Decree 18/202, previously mentioned.
- ⁴⁵ The holder of a mining exploration permit who has discovered and assessed a mineral deposit within the mining system, where the technical and economic viability has been demonstrated, taking into consideration the principles of sustainable development. See: Farha Zerouali Salah, previously cited, p. 56 et seq. See also Ordinance 03/07, previously mentioned.
- ⁴⁶ Article 106 of Law 14/05, previously mentioned.
- ⁴⁷ See Article 05 of Executive Decree 18/202, previously mentioned.
- ⁴⁸ Mahmoud Sardoun, previously cited, p. 142.
- ⁴⁹ Article 106 of Law 14/05, previously mentioned.
- ⁵⁰ See Article 4 of Executive Decree 18/202, previously mentioned.
- ⁵¹ These are areas discovered through state-funded efforts as part of the mining survey conducted by the National Agency for Geology and Mining Control, as well as explored areas whose holders either do not wish to continue exploitation or have submitted a request for exploitation that was rejected for any reason.
See: Mahmoud Sardoun and Ahmed Abada, The Legal Nature of Mining Activities, *Dafatir Al-Siyassa wa Al-Qanoun Journal*, Vol. 13, No. 1, 2021, p. 102.
- ⁵² See Article 106 of Law 14/05, previously mentioned.
- ⁵³ See Article 28 of Law 14/05, previously mentioned.
- ⁵⁴ See Article 29 of Law 14/05, previously mentioned.
- ⁵⁵ See Article 156 of Law 14/05, previously mentioned.
- ⁵⁶ See Article 159 of Law 14/05, previously mentioned.
- ⁵⁷ See Articles 79 and 81 of Law 14/05, previously mentioned.
- ⁵⁸ See Article 51 of Law 14/05, previously mentioned.
- ⁵⁹ See Article 68 of Law 14/05, previously mentioned.
- ⁶⁰ See Article 03 of Law 14/05, previously mentioned. See also Law 11/02 dated 17/02/2011 on protected areas within the framework of sustainable development, Official Gazette No. 13, issued on 28/02/2011.
- ⁶¹ Mahmoud Sardoun, previously cited, Law 14/05. See Article 107 of Law 14/05, previously mentioned.
- ⁶² See Article 37 of Executive Decree 18/202, previously mentioned.
- ⁶³ A fee that covers the costs incurred by the administration during the review of any application for a mining permit, its renewal, or modification.

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- ⁶⁴ Article 107 of Law 14/05, previously mentioned.
- ⁶⁵ See Sardoun Mahmoud, previously cited, p. 142.
- ⁶⁶ Ibid., p. 143.
- ⁶⁷ See Articles 30 and 45 of Executive Decree 18/202, previously mentioned.
- ⁶⁸ See Article 37 of Executive Decree 18/202, previously mentioned.
- ⁶⁹ See Article 66 of Law 14/05, previously mentioned.
- ⁷⁰ See the last paragraph of Article 66 of Law 14/05, previously mentioned.
- ⁷¹ Articles 12 and 13 of Law 14/05, previously mentioned.
- ⁷² Abdelrahman Azzawi, previously cited reference, p. 192.
- ⁷³ Mahmoud Sardoun, previously cited reference, p. 178.
- ⁷⁴ Same reference, p. 181.
- ⁷⁵ See Mahmoud Sardoun, same reference, p. 183. See also Article 175 of Law 14/05, previously mentioned.
- ⁷⁶ See Article 20 of Law 01/10, previously mentioned.
- ⁷⁷ See Ahmed Tali, previously cited reference, p. 111.
- ⁷⁸ See the same reference, p. 116.
- ⁷⁹ See the same reference, p. 112.
- ⁸⁰ See Article 69 of Law 14/05, previously mentioned.
- ⁸¹ See Ahmed Tali, previously cited reference, pp. 112–116.
- ⁸² See the same reference, p. 112.
- ⁸³ See Article 79 of Law 14/05, previously mentioned.
- ⁸⁴ See Ahmed Tali, same reference, p. 117. See Decree 02/469, previously mentioned, especially Article 4 thereof.
- ⁸⁵ See Article 81 of Law 14/05, previously mentioned.
- ⁸⁶ See Ahmed Tali, same reference, p. 117.
- ⁸⁷ See Article 03 of Executive Decree 02/469, previously mentioned.
- ⁸⁸ See Article 108 of Law 14/05, previously mentioned.
- ⁸⁹ See Article 109 of Law 14/05, previously mentioned.
- ⁹⁰ See Articles 108 and 109 of Law 14/05, previously mentioned. Also see Mahmoud Sardoun, same reference, p. 145.
- ⁹¹ See the same reference, pp. 177–180.
- ⁹² See Article 57 of Executive Decree 18/202, previously mentioned. Also see Mahmoud Sardoun, same reference, p. 179.
- ⁹³ Article 79 of Law 14/05, previously mentioned.
- ⁹⁴ See Article 111 of Law 14/05, previously mentioned.
- ⁹⁵ See Mahmoud Sardoun, previously cited reference, p. 189. See also paragraph 2 of Article 91 of Law 14/05, previously mentioned.
- ⁹⁶ See the same reference, p. 190.
- ⁹⁷ See Article 112 of Law 14/05, previously mentioned.
- ⁹⁸ See Article 115 of Law 14/05, previously mentioned.
- ⁹⁹ Article 116 of Law 14/05, previously mentioned.
- ¹⁰⁰ Akila Ounas, *The Legal System of Expropriation for Public Utility in Algerian Legislation*, Master's thesis, Faculty of Law, University of Batna, 2006, p. 5.
- ¹⁰¹ Article 118 of Law 14/05, previously mentioned.
- ¹⁰² Law 90/30 dated 01/12/1990 concerning the National Property Code, Official Journal No. 52, published on 04/12/1990.
- ¹⁰³ Article 86 of Law 90/30, previously mentioned.
- ¹⁰⁴ See the Waqf Law 01/07, dated 22/05/2001, amending and supplementing Ordinance 91/10, Official Journal No. 29, published on 30/05/2001.
- ¹⁰⁵ See Article 119 of Law 14/05, previously mentioned.
- ¹⁰⁶ See Mahmoud Sardoun, previously cited reference, p. 204.
- ¹⁰⁷ See Article 122 of Law 14/05, previously mentioned. See also Mahmoud Sardoun, previously cited reference, p. 208.
- ¹⁰⁸ Paragraphs 1 and 2 of Article 122 of Law 14/05, previously mentioned.
- ¹⁰⁹ See Mahmoud Sardoun, previously cited reference, p. 222.
- ¹¹⁰ See the same reference, p. 223.
- ¹¹¹ Article 129 of Law 14/05, previously mentioned.

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- ¹¹² See Mohamed Belfadel and Soufi Ben Daoud, previously cited article, p. 663.
- ¹¹³ Article 124 of Law 14/05, previously mentioned.
- ¹¹⁴ Law 83/11 dated 08/06/1983, concerning social insurance, Official Journal No. 28, published on 02/07/1983.
- ¹¹⁵ See Law 90/11 concerning labor relations, dated 21/04/1990, Official Journal No. 17, published on 25/04/1990.
- ¹¹⁶ Environment, in a technical sense, refers to the set of physical, organic, and inorganic conditions and factors that help humans and other living beings maintain purity and sustain life.
- ¹¹⁷ See: Ahmed Eskandari, Environmental Protection, Algerian Journal of Legal and Economic Sciences, No. 04, 2002, pp. 25–48.
- ¹¹⁸ Article 3 of Law 03/10, dated 19/07/2003, concerning environmental protection within the framework of sustainable development, Official Journal No. 43, published on 20/07/2003.
- ¹¹⁹ See Mahmoud Sardoun, previously cited reference, p. 225.
- ¹²⁰ See Articles 4 and 5 of Law 03/10, previously mentioned. See Mahmoud Sardoun, previously cited reference, p. 226. Article 3 of Law 14/05, previously mentioned.
- ¹²¹ See Article 3 of Law 03/10, previously mentioned.
- ¹²² See Article 29 of Law 03/10, previously mentioned.
- ¹²³ See Article 126 of Law 14/05, previously mentioned.
- ¹²⁴ See Article 58 of Law 14/05 mentioned above.
- ¹²⁵ See Mahmoud Sardoun, previously cited reference, p. 233.
- ¹²⁶ See Mohamed Belfadl, and Soufi Ben Daoud, previously cited article, p. 667.
- ¹²⁷ See Article 4 of Law 14/05 mentioned above.
- ¹²⁸ See the Arab Labor Organization report, previously mentioned, p. 117.
- ¹²⁹ See Article 141 of Law 14/05 mentioned above. See Mahmoud Sardoun, previously cited reference, p. 238.
- ¹³⁰ Mahmoud Sardoun, same reference, p. 234.
- ¹³¹ See Mahmoud Sardoun, previously cited reference, p. 239.
- ¹³² Safia Zaid El Mal, previously cited reference, p. 38.
- ¹³³ Same reference, p. 38.
- ¹³⁴ See Mahmoud Sardoun, previously cited reference, p. 240.