
The role of economic customs regimes in promoting non-hydrocarbon exports in Algeria

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Received: 03/03/2025

Accepted: 06/03/2025

Published: 17/04/2025

Abstract:

Through its economic policy, Algeria has implemented several mechanisms aimed at improving and diversifying its domestic production and encouraging non-hydrocarbon exports. This is reflected in the approved tax and financial exemptions, the official bodies and structures created specifically to support exporting companies, the partnership agreements and free trade agreements concluded, as well as the customs facilitation measures adopted, all of which aim to support companies and enhance their competitiveness through economic customs systems approved in accordance with international rules and standards. In this research paper of our study and through the interview we conducted with the director of the company SARL VALIGO Algeria, specialized in the production of travel bags, the free trade partnership agreement and economic customs systems have effectively contributed to increasing exports by reducing production costs to 45.30% in addition to enhancing the competitiveness of the marketed product price.

Keywords: Non-hydrocarbon exports, Economic customs regimes, Association agreements, Export diversification, Trade openness.

Jel Classification Codes: C23, Q43, F33, F23.

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1. Introduction:

Diversifying and increasing foreign exchange revenues is a primary concern for the Algerian economy, which currently relies on hydrocarbon rents. This dependence has clearly demonstrated the fragility of our economy in the face of crises resulting from the drastic drop in oil prices (Jos R. Lopez-Celix, 2010). Consequently, Algeria has undertaken several measures aimed at avoiding a situation of trade balance deficit. Among these measures are import restrictions such as the import license regime, the establishment of quotas, as well as the introduction of other duties and taxes serving as tariff barriers.

Opening up to the outside world represents a real challenge for Algeria, particularly in increasing the exportable supply. Thus, it is necessary to support companies in their international development in various ways and to improve their competitive advantage by adopting a comprehensive approach within their strategies (Sami Mahroum, 2016). The State must intervene through various mechanisms to actively encourage the internationalization of businesses, ensuring the dissemination of information about international markets and technologies.

The role of trade policy is essential and cannot be separated from export development strategies. It is an essential element to ensure the international openness of all industries where the country has a national competitive advantage (Lutete, 2024). That is why access to all markets for national companies remains one of the top priorities of any government. In this perspective, our issue revolves around this main question:

What different measures has Algeria adopted to encourage non-hydrocarbon exports?

To answer this central question, two hypotheses are necessary:

- The measures implemented by the public authorities facilitate and encourage non-hydrocarbon exports in Algeria.
- Other factors such as free trade association agreements, international conventions, and economic customs regimes are considered determinants of foreign investments in Algeria.

In order to answer our research question, this work is divided into two parts: In the first part, we will address preferential regimes and economic customs regimes and the tax advantages granted to investments. Next, the second part concerns an analysis of the case of the company SARL VALIGO ALGERIA, which benefited from the economic customs regime of Temporary Admission for Active Improvement, where we will try to study the impact of this regime on the exports of this company.

2. Economic Customs Regimes:

The general principle of the common law regime is that any imported goods are subject to the payment of duties and taxes at the moment they cross the country's borders. However, economic customs regimes serve as facilitations granted to economic operators to make exceptions to this principle, whereby the payment of duties

and taxes will be suspended either totally or partially, as well as the economic prohibitions to which they are subject.

2.1. Definition of economic customs regimes:

Economic customs regimes could be defined (Ksouri,2014) as regimes intended to encourage the development of certain economic activities and to strengthen the competitive capacity of companies in international markets in order to improve the position of locally manufactured products, through the suspension of duties and taxes and economic prohibition measures.

According to the Algerian Customs Code: the customs regimes under which goods can be placed include two categories:

- Economic customs regimes;
- Definitive customs regimes.

They therefore constitute a mechanism intended to promote the development of certain economic activities such as export activities and strengthen the competitive capacities of companies in foreign markets, thanks to the advantages they provide both financially and economically:

- **On the financial level:** The suspension, exemption, or refund of duties and taxes.
- **On the economic or commercial level:** Because they allow for:
 - Adapt to the constraints of production, storage, and marketing by supplying production inputs at a lower cost, as well as improving the competitive capacities of companies by reducing production costs.
 - The improvement of the competitive capacities of companies by reducing production costs; Encouraging and stimulating certain industrial activities, particularly those oriented towards export;
 - Facilitating international trade.

2.2. Classification of economic customs regimes:

Due to their complexity, economic customs regimes can be presented according to a classification representing the three main objectives they meet, namely (CDA, L'article 116)

Industrial regimes; Commercial regimes; Transport regimes.

We can summarize this classification in the following table:

Table N°1: Classification of Economic Customs Regimes

Transport-oriented regimes	Commercially-oriented regimes	Industrial regimes
temporary admission for active improvement -Temporary export for passive improvement - Franchise replenishment -Drawback - Transformation of goods intended for consumption Exercised Factories	-Public Warehouse - Private Warehouse - Temporary Admission for Use and Re-export in the Same State - Temporary Export for Use and Re-import in the Same State	-Transit Transshipment -Coastal shipping

Source: Developed by myself.

2.3. The contribution of economic customs regimes in the export process:

Economic customs regimes serve as specific intervention mechanisms designed to facilitate business integration and streamline international economic exchanges, making them representative of various commercial interests, particularly the export process, namely (Groenendijk, 2018):

❖ The suspension of duties and taxes and economic prohibition measures:

The suspension of duties and taxes and economic prohibition measures is the most important and most classic interest of economic customs regimes, as they improve the competitive position of locally manufactured products that can be exported abroad.

It is explained by the legal fiction that considers the goods as temporarily placed in the customs territory for a well-defined period before they are re-exported (either in their original state, or after transformation, processing, or additional labor).

❖ Relief of the company's cash flow:

The economic customs regimes positively impact the cash flow situation of exporting companies by directly or indirectly affecting the principle of competition, which remains one of the most important principles in managing their financial burdens, leading to increased competitiveness among these companies.

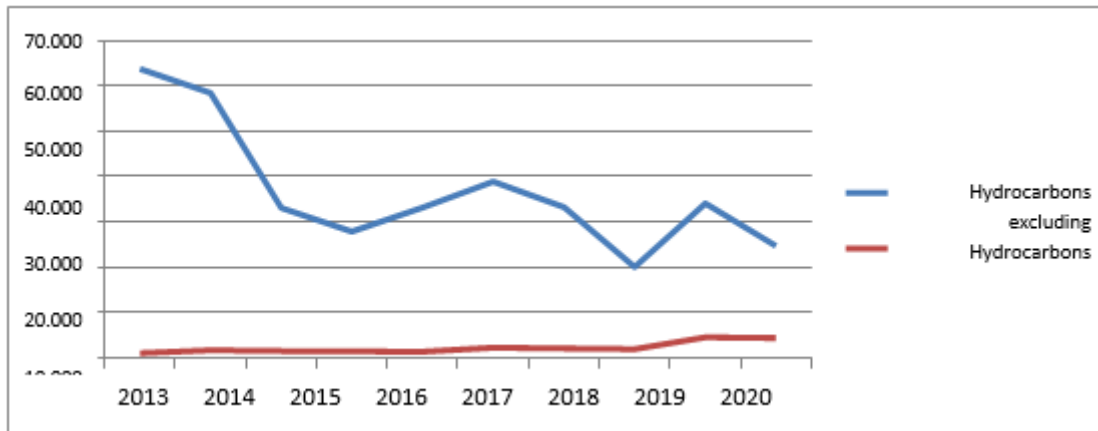
❖ The circulation of goods under suspension of duties and taxes:

Goods registered under a transport economic customs regimes are transported under the customs transit regime, which exempts them from paying duties and taxes, except in cases of violation of the application of the transit regime laws and regulations in force under this regime.

2.4. Indicators assessing trade exchanges in Algeria:

● the structure of exports:

Fig N° 1: Evolution of exports (2013- 2022)



Source: Site of the Bank of Algeria.

- Rentier states are countries that receive substantial amounts of external rent on a regular basis.
- External rents correspond to the income paid by individuals or foreign governments in a given country.

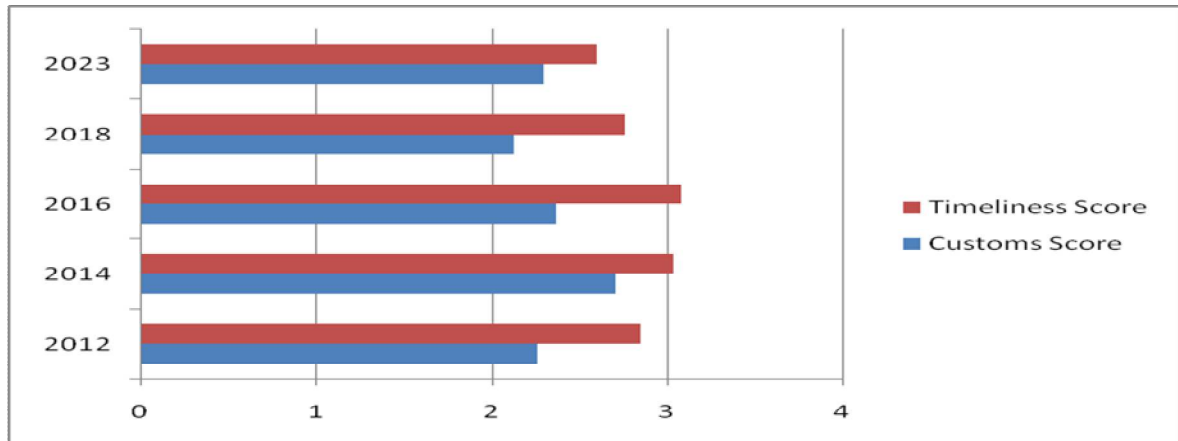
In Algeria, the State receives external revenues solely from hydrocarbon exports. We observe, in the graph above (Figure 2), the importance of the Algerian state's resources coming from abroad through the exports of a non-productive sector. The hydrocarbon sector cannot be considered a productive sector, as it is limited to the extraction and sale of these natural resources.

Hydrocarbon exports have always accounted for a predominant share of total exports, with an approximate annual average of 97% between 2013 and 2019. This share then significantly decreased to reach 86% in 2021. As we have already seen, this decrease in the share of hydrocarbons over the past decade is mainly due to the drop in oil prices and thus the value of hydrocarbon exports, and on the other hand, to the decrease in the volume of production. That's why it is high time to develop other products for export and to move away from dependence on revenues from oil exports.

● Logistics Performance Index:

Through Figure 09, we aimed to clarify the difference between the two criteria (the degree of customs clearance and the degree of adherence to deadlines). Which show the performance of Algerian customs services and their development during the period (2012/2023). This study reveals a varied situation, prompting us to identify where the obstacle lies during the customs clearance of goods, or in other words, which stage hinders this process.

Fig N° 2: Bar chart reveals Algeria's LPI (Customs Score, Timeliness Score)



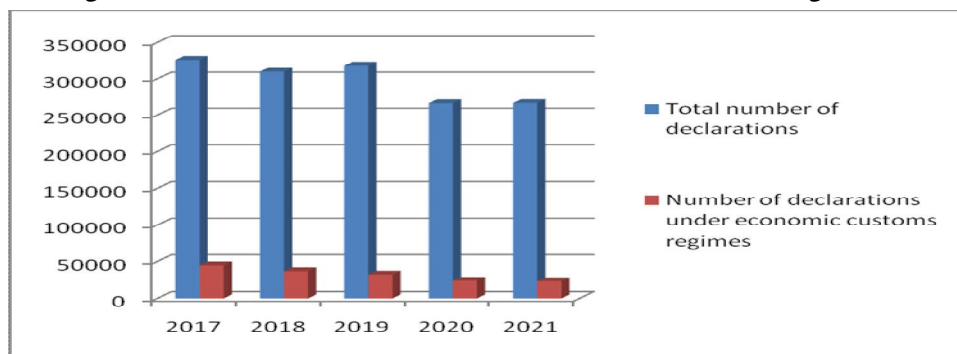
Source: Prepared using data from

●The declarations under economic customs regimes in the context of foreign trade:

In light of this graphical representation, it can therefore be concluded that despite the enormous advantages and facilities these economic regimes offer to businesses, their use remains minimal compared to their importance. This observation is mainly due to the procedural complexity of the conditions and implementation of economic customs regimes and the fact that they are not widely publicized.

The economic customs regimes have an important economic objective; they promote the development of economic activity and strengthen the competitive capacity of companies in foreign markets. However, the trend in declarations under economic customs regimes (see Fig no. 4) shows the inadequacy of their utilization.

Fig N° 3: Number of declarations under economic customs regimes 2017-2021



Source: Created from the data of the National Transmission Center and the Customs Information System

●Evaluation of customs facilitation in the context of foreign trade:

Based on the data in Table No. 2 below, we observe that the documentation, timelines, and costs for exports in Algeria remain far from the expected levels, despite the various facilitation measures implemented. It should be noted through this data that there is no significant impact from the facilities, as evidenced by the fact that no changes were observed in 2018. Regarding the year 2021, export times show a decrease compared to the year 2018. It should be noted that the delays and costs incurred in exporting are not solely due to customs; there are other actors involved in these various processes (banking, trade, insurance, etc.), which explains their complexity.

Table N°2: Evaluation of Algerian Export Procedures in 2018 and 2021

Indicator Formality Hour/USD	Activity	Formality	HR/USD
Cost of procedures/USD	Export 2018	Customs	593
			374
	Export 2021	Documentary	593
			374
Procedure time/HR	Export 2018	Customs	118
			149
	Export 2021	Documentary	80
			149

Source: Developed based on data from the World Bank « Doing Business Report 2018, 2021 »

2.5. Specific export facilitation:

The Algerian customs administration has implemented a number of specific export facilitation measures, including consignment sales, sample exports, and foreign warehousing.

● **Consignment Sale:** "Consignment sales is a practice that involves the shipment abroad by an exporter of goods to an agent (mandatary, consignee, depositary, commission agent) who, for a fee or commission, is responsible for selling them on behalf of the exporter, who remains the owner until the sale is completed.

Consignment sales are subject to a commercial contract established either:

- At a fixed price: the consignment sale is then referred to as a fixed-price consignment sale;
- According to the interests of the exporter, the sale is qualified in this case as a best-efforts consignment sale (Circular No. 888, 2016), regarding the customs clearance of goods exported under consignment sales.

● **The export of samples:** To allow economic operators to introduce their products to the foreign market, the export of commercial samples with the suspension of duties, taxes, and other foreign trade formalities is authorized.

● **The foreign warehouse:** The foreign warehouse is (Robert Kokoli, 2024) an option granted to economic operators to store their goods abroad with the aim of reselling them later.

The foreign warehouse follows the same procedure as consignment sales and the export of samples, meaning the operator must submit an incomplete temporary export declaration supported by a commitment to regularize. The regularization is done through (World Customs Organization, 2010):

- A definitive export declaration: for sold goods;
- A re-import declaration: for unsold goods.

3. The economic customs regimes used by SARL VALIGO ALGERIA:

SARL VALIGO ALGERIE is an Algerian company specialized in the production and manufacturing of high-quality travel suitcases, with the aim of marketing these products on the global market, both to national and international customers

3.1. Process of the temporary admission system for active improvement:

SARL VALIGO ALGERIE is an Algerian company established on January 2017, with a share capital of 7,640,000.00 DA. It is the result of a partnership between an Algerian partner holding 51% of the shares and a Chinese partner holding 49% of the shares, in accordance with the 51/49 rule in force.

In 2021, following the amendment of the 51/49 law, the company's status was changed. The Chinese partner bought out the Algerian partner's shares, thus becoming the majority shareholder with 99.60% of the shares. The share capital has also been increased to 15,000,000.00 DA (director, 2024).

Process of the temporary admission regime for active improvement:

After concluding a contract with a Spanish client for the purchase of 1500 suitcases of different sizes, SARL VALIGO ALGERIE decided to import the raw material from China for the transformation and production of the suitcases intended for export to its Spanish client.

The importation of raw materials from China is subject to the payment of full customs duties and taxes. However, in order to reduce production costs, the company has chosen to benefit from a total suspension of duties and taxes by opting for the economic customs regime called "temporary admission for active processing».

VALIGO ALGERIE begins by identifying its needs for raw materials or semi-finished products necessary for the manufacturing of the product intended for export. These needs are generally determined based on specific orders or sales contracts concluded with foreign buyers.

The granting of this regime is subject to the submission of a prior authorization to the Division Inspection of the Oran Port Customs, this authorization must conform to the pre-established official model and be supported by a technical sheet describing the manufacturing process. Specifying the necessary timeframe for the complete execution of the re-export operation as follows (Table3):

Table N°3: Materials imported under the Temporary Admission for Active Improvement regime:

Designation of the goods	Quantity	Unit price (USD)Total	Total price (USD)
Leather for outdoor decoration	200 M	1,962	392,40
Suitcase trolley	1520 U	1,740	2.644,80
Fabric	14679 M	0,470	6899,13
VALIGO badge	1500	0,046	690,00
Total			10.626,33

Source: Prepared using data from SARL VALIGO.

3.2. The customs clearance procedure:

At this stage, the operator can proceed with the submission of the detailed declaration under the temporary admission for active processing regime. He must attach the following documents to the customs clearance file: The domiciled invoice, the bill of lading and the arrival notice, Possibly, the original copy of the Temporary Admission for Active Improvement regime authorization, any authorization or visa required in accordance with specific legislation or regulations. The temporary admission declaration for active improvement, code 7802 (suspending the payment of duties and taxes), must be completed in the name of the importer who will implement the imported goods or on their behalf through an authorized customs broker. This declaration must be submitted to the customs office that initially granted the temporary admission authorization.

The detailed declaration file is first submitted to the Main Inspection at the Sections to ensure its admissibility. He then forwards it, with an acknowledgment of receipt, to the services of the Main Inspection for Commercial Operations Control responsible for the documentary and physical inspection of goods. The SIGAD automatic management system assigns the name of the inspector responsible for controlling this file, as well as the nature of the control circuit, based on the risk management integrated into the SIGAD system: green, red, blue, or orange.

The inspector in charge of the customs clearance file must verify all the statements in the detailed declaration, as well as the attached documents. He must schedule a day for the physical inspection of the declared goods. If no anomalies are found, he proceeds with the liquidation of the declaration, which is then immediately sent to the cashier for the payment of the SIGAD system usage fee (R.U.S), amounting to 100.00 DA in our case.

The settlement of the regime: According to the Temporary Admission for Active Improvement authorization, the duration of temporary admission is initially set at 6 months. During this period, the operator begins the production of their final product intended for export. Before the expiration of the granted deadlines, the compensatory products resulting from active processing must necessarily be re-exported or subjected to an authorized customs regime (under certain conditions for consumption).

If, for valid reasons, the operation requires more than 6 months, the operator can submit a justified request to the Chief of Divisional Inspection of customs services to obtain an extension of the initially granted deadline.

In our case study, SARL VALIGO ALGERIE submitted a request for modification of the temporary admission on 02/13/2022. This request was motivated by the cancellation of the order from the Spanish client and the conclusion of a new contract with another French client.

The head of the Port Inspection Division of Oran has given his approval to this request. As for the settlement of this regime, it will be carried out under cover:

An export declaration for the compensatory products, accompanied by a domiciled invoice for an amount corresponding to the service rendered.

A declaration of consumption for the product obtained and consumed within the national territory, which implies the payment of duties and taxes on the compensatory products initially imported under the temporary admission system for active improvement.

A declaration of re-exportation for other goods imported under temporary admission within the framework of this regime. Regarding reusable production waste and debris, they are subject to the payment of duties and taxes upon their release for consumption. They may be subject to a flat rate.

In our case study, the settlement of this operation proceeded as follows:

The customs declarant submitted the export declaration on 02/04/2020, thus respecting the initially granted six-month period. In this declaration, he mentions the number and the regime of the previous declaration related to this operation, namely the temporary importation for inward processing. He may also attach a copy of this declaration to the customs clearance file for reference to facilitate customs control.

The re-export declaration, following the temporary admission under the regime code (1178), must be accompanied by the following documents: The domiciled invoice. The bill of lading (Bill of lading). A copy of the temporary import declaration. A copy of the temporary admission authorization for active improvement. The declaration follows the same customs process, starting with the submission of the declaration to the IPS services. It should be noted that the physical inspection of the goods is carried out in the presence of a customs officer at the time of loading the goods into the container and at the exporter's premises. This measure is part of the customs facilitation granted to exporters.

In our case, the quantities are as follows:

- The losses are irrecoverable, which means they are not subject to the payment of duties and taxes.
- In the case where a quantity of goods is released for consumption in the domestic market, it must be regularized by a declaration of release for consumption under the regime (code 1000), with payment of the applicable duties and taxes. However, in our case, no quantity was put into local consumption.
- After the documentary control and the liquidation of the re-export declaration, it will be sent to the cashier to pay the RUS (Service Usage Fee) of 720 DA and 3000 DA as RPS (Service Provision Fee) for obtaining the Boarding Pass.
- Once the Shipping Order is issued, the customs declarant can transport the container to the port for loading.

So, we can clearly deduce that this ATPA regime allows:

To reduce production costs by 45.30%, or 696,532.30 DA (Amount of duties and taxes)

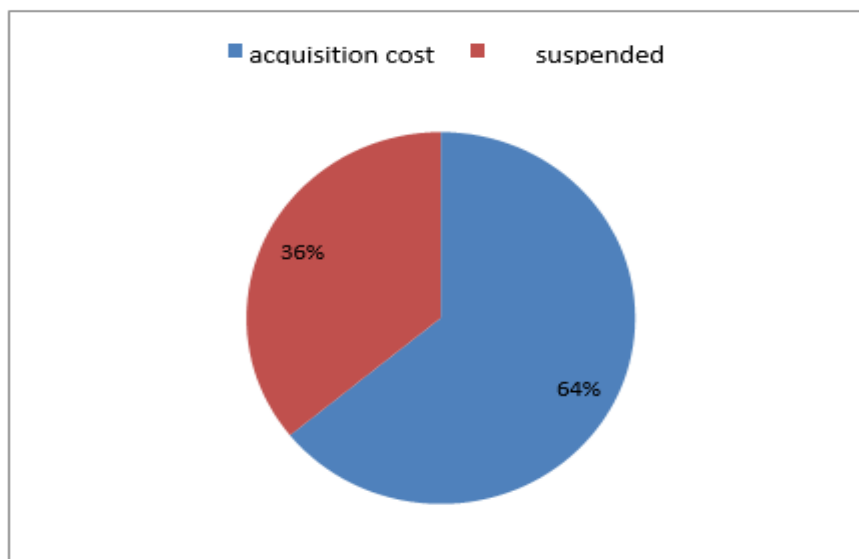
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To promote the competitiveness of the price of the marketed product.

Regarding deadlines, special attention is given to exporting companies that should benefit from the advantage of reduced customs checks during the processing of these operations, which are of primary importance in the wake of the strategy adopted by public authorities to promote non-hydrocarbon exports.

It is in this context that it is appropriate to strengthen the trust relationship between the customs administration and businesses to maintain the balance between customs control and the facilitation granted.

Fig N° 4: Duties and taxes suspended by the ATPA regime



Source: Prepared using data from SARL VALIGO.

3.3. Effectiveness of the ATPA regime:

The usefulness of the ATPA regime lies in the reduction of costs and customs clearance times, as the importation is carried out with a complete suspension of the applicable duties and taxes. For a single operation, the company VALIGO ALGERIE was able to save an amount of 711,855.38 DA, which represents 56% of the purchase price of the imported goods. That is more than half of the purchase price

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3.4. Export process:

The company VALIGO ALGERIE has concluded contracts for the sale of suitcases with clients from the European Union, which constitutes a strategic decision allowing it to benefit from the advantages of the association agreement between Algeria and the European Union. Thus, it can export its products of Algerian origin to Europe without the buyer being subject to the payment of duties and taxes upon importation.

This also explains one of the reasons why Chinese partners choose to invest in Algeria, as if they manufacture and export this product from China, it would be subject to the payment of duties and taxes required by European legislation, in the absence of free trade association agreements between China and Europe. Since exports are not subject to taxation, the exporter only pays customs fees, namely the System Usage Fee and the Service Provision Fee (RUS and RPS) amounting to 720.00 and 3000.00 DA respectively.

For the settlement of this temporary import operation for active improvement, on February 4, 2020, SARL Valigo Algeria submitted a re-export declaration following temporary admission (regime 1178) for a quantity of 1500 suitcases of various dimensions, with a CFR value of 20498.23 USD. The exchange rate was 119.83140 DA. The entrepreneur has concluded contracts for the sale of suitcases with clients from the European Union, which constitutes a strategic decision allowing it to benefit from the advantages of the association agreement between Algeria and the European Union. Thus, it can export its products of Algerian origin to Europe without the buyer being subject to the payment of duties and taxes upon importation.

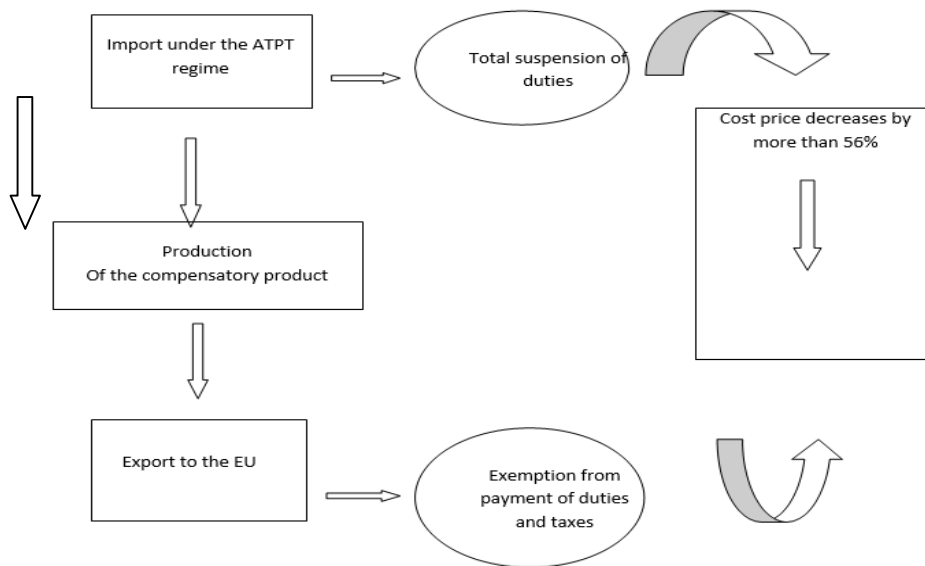
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Fig N°5: Diagram of the export process:

Source: Prepared using data from the SARL.

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It is concluded that the company is motivated to invest in Algeria and to proceed with exports for various reasons, notably to penetrate foreign markets with competitive prices. These motivations include:

Comparative advantages: Algeria can offer competitive advantages such as lower production costs, abundant natural resources, a skilled workforce, and regulations favorable to foreign investments. This allows to offer competitive prices in international markets.

Association Agreements: The association agreement concluded between Algeria and the European Union allows VALIGO ALGERIA to export to Europe without European buyers having to pay import duties and taxes. This constitutes a competitive advantage for the company and facilitates access to European markets.

Market expansion: Exporting offers VALIGO ALGERIA the opportunity to enter new markets and diversify its sources of income. By establishing itself in foreign markets, the company can increase its customer base and market share, which contributes to its growth and profitability.

It should be noted that during the years 2020 and 2021, international trade experienced stagnation due to the COVID-19 pandemic. This situation paralyzed global trade and impacted many businesses, including this Sarle. However, despite these challenges, the company maintains its investment and export objectives, anticipating a gradual economic recovery as the situation improves.

3.5. Obstacles encountered:

According to our interview with the director of the SARL, he shared with me some difficulties the company is facing. These difficulties are related to the following issues:

- Acquisition of industrial land: it is experiencing difficulties in acquiring industrial land. Currently, the company had to set up its factory on a plot of land it rents from a private owner, with a lease agreement until 2026. This limits its ability to fully develop its activities and plan for the long term.
 - Instability of Algerian legislation: The company faces challenges due to the instability of legislation in Algeria. Import bans and specific authorizations can be imposed, which can disrupt this company operations and business plans. This legal uncertainty can make it difficult to make strategic decisions and anticipate regulatory changes.
 - Slowness of administrative procedures: Administrative procedures in Algeria can be lengthy and complex, which can discourage companies intending to invest seriously in the country. The prolonged delays in obtaining permits, licenses, and other necessary documents can hinder business growth and slow down their expansion.
- These difficulties highlight the challenges that businesses may face when investing in Algeria. It is important to take these factors into account when evaluating investment opportunities and to implement measures aimed at mitigating potential risks related to the legal and administrative environment.

4. Conclusion:

A general analysis of Algerian non-hydrocarbon exports highlights the rise of the private sector since the 1990s. Although the goal of achieving independence from hydrocarbon rents has not yet been reached, Algeria's economic policy clearly aims to encourage investment and non-hydrocarbon exports in order to diversify and increase its foreign currency revenues, reduce dependence on foreign markets, and decrease the import bill.

Algeria has implemented several mechanisms aimed at improving and diversifying its internal production, as well as promoting non-hydrocarbon exports. This is reflected in the adoption of fiscal and financial measures, the creation of official bodies and structures specifically dedicated to supporting exporting companies, the conclusion of association and free trade agreements, as well as the adoption of customs facilitation measures aimed at supporting companies and enhancing their competitiveness both nationally and internationally, in accordance with international norms and standards.

However, free trade association agreements are a double-edged sword; in fact, it is essential that Algerian products meet consumer demands and have a competitive advantage in order to be exported effectively. Otherwise, the country will continue to depend on imports to meet its internal needs, which will lead to a decrease in foreign exchange reserves. This situation leads to the depletion of foreign exchange reserves, consequently, it will have a detrimental impact on the trade balance.

According to our case study and our interview with the director of this enterprise, the free trade association agreements as well as the economic customs regimes have indeed contributed to the development of non-hydrocarbon exports.

Regarding the amendment of Law 51/49, which has reduced this condition only for strategic sectors, this measure will constitute a real attraction to attract foreign investors, which will create wealth, jobs, reduce imports, and promote non-hydrocarbon exports.

However, the multitude of export promotion agencies, concentrated mainly in the capital, Algiers, can also present disadvantages. Indeed, this can represent an obstacle, as investors complain about the slowness of administrative procedures and the absence of a one-stop shop or a guide for investors and exporters, summarizing the administrative procedures of all actors in the export logistics chain and explaining the rights and obligations of each party.

Moreover, the frequent changes in laws and regulatory provisions based on circumstances create an unstable business climate that prevents investors from engaging in uncertainty. Many international markets are open to Algerian exporters, providing a larger market for companies that are expanding internationally. However, it is important to note that the growth of non-hydrocarbon exports will depend on the removal of certain obstacles.

The lack of information combined with the slowness of administrative procedures constitutes a real problem for investors. Therefore, according to our study, it is necessary to adopt a simpler policy.

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