

Law n° 2009-59 dated 20 July 2009, simplifying the administrative procedures in the sector of agriculture and fishing (1).

In the name of the People,

The Chamber of Deputies and the Chamber of Advisors having adopted,

The President of the Republic enacts the following law:

Article one - Are repealed, paragraph 1 of article 30, articles 65, 159, 183, 184, 185 and 190, paragraph 2 of article 208, paragraph 2 of article 209, article 222, paragraph 2 of article 226, and paragraph 2 of article 230 of the forest code, and replaced by the following provisions:

Article 30 Paragraph 1 (new) - The buyers and the transferees by mutual agreement, are responsible for the infringements provided for by the code herein, committed in the sales or in a department of 100 meters around these sales, and this as from the date of the conclusion of the sale contract till their discharge from all duties.

Article 65 (new) – In case calamitous events, the pasture lands of first category, mentioned in article 63 of the code herein, may be opened by order of the Minister charged of forests, to the pasturage of the animals against a fee fixed by decree. However this pasturage remains prohibited in the perimeters in which the trees of forest essences planted or sowed by hands or in the forests reconditioned after fire, if these forests trees are of a height inferior to one meter.

The list of the persons who may benefit from the pasturage is drawn-up by a commission which the composition and the operating method are fixed by decree, on a proposal from the Minister charged of forests.

Article 159 (new) – By derogation to the provisions of articles 36 (paragraph 3) and 65 of the code herein, the pasturage of dromedaries in the esparto layers is clear.

Article 183 (new) – The capture, the importation and the training of all species of the flying birds other than those mentioned above in the order provided for in article 182 as well as their use for hunting is prohibited.

Article 184 (new) – The putting up for sale, the sale, the buying, the exchange, the importation and the exportation of all the birds in flight, out of the provisions provided for by article 167 and according to the provisions of article 215 of the code herein, are prohibited.

Article 185 (new) – Without prejudice to the legislative provisions and regulations concerning the professional

(1) Preparatory works :

Discussion and adoption by the Chamber of Deputies during its session held on 7 July 2009.

Discussion and adoption by the Chamber of Advisors during its session held on 16 July 2009.

photographic or cinematographic hunting and notably the broadcasting and the sound recording of the animals of all species of wild fauna, is submitted to specifications, approved by order of the Minister charged of forests.

Article 190 (new) – The hunting tourism may be practised only against a fee for the benefit of the treasury of the State, with an order to pay, which the amount is fixed for each season by annual order organizing the shooting season.

The hunting tourists shall submit a payment receipt at every requisition by the customs and police departments at the frontiers, before the delivery of the temporary authorization of introducing and holding hunting weapons.

Article 208 Paragraph 2 (new):

The abovementioned development and works may be undertaken only in accordance with a prior opinion of the Minister charged of forests.

Article 209 Paragraph 2 (new):

Hunting, destroying, capturing removing, transporting, embalming, giving, putting up for sale, selling or buying rare wild animals and which are endangered mentioned in article 210 of the code herein as well as their ovum, nests, vintages and young out of the provisions provided for by article 167 and according to the provisions of article 215 of the code herein.

Article 222 (new) – The building of the communication and transport equipments and the fitting-up of the liquid and gas pipes as well as those of the electric and telephonic lines which shall imperatively go through a national park or a natural reserve, may be achieved only after concluding a concession contract for this purpose, in accordance with the provisions of article 75 of the code herein.

Article 226 Paragraph 2 (new) – The filling up or the drainage of a humid zone are prohibited unless for imperious reasons of national interest and after conform opinion of the Minister charged of forests.

Article 230 paragraph 2 (new) - Every person who carries out an operation for which a prior authorization provided for by the title herein which has been refused or which does not comply with the opinion of the Minister charged of forests, is punished with the same punishments submitted by the recidivist.

Art.2 - Shall be repealed, the provisions of paragraph 2 of article 30 of the forest code.

Art. 3 - Shall be repealed, paragraph 1 of article 5 and articles 15 and 23 of law n° 94-12 dated 31 January 1994 relating to the practice of fishing, and replaced by the following provisions:

Article 5: Paragraph 1 (new) – The practice of fishing is submitted to an authorization delivered by the relevant authority indicating its validity period, the authorized

fishing method, and if necessary, the fishing zone and the easement port. The fishing authorization may also provide the transshipment of the aquatic species or the establishment of fix fisheries.

Article 15 (new) – The transshipment of the aquatic species is prohibited unless if it is mentioned in the fishing authorization.

Article 23 (new) – The fishing authorization which comprises an authorization of establishment of fix fisheries shall mention the indications relating to the fishery site, the identity of the user and the duration of use.

The abovementioned authorization shall be enclosed with a document comprising the geographic coordinates of the fishery, the conditions of its user and the fittings which can be established.

Art.4 – Shall be repealed, paragraph 1 of article 2, article 3, paragraph 1 of article 4, paragraph 1 of article 5 and articles 12, 13 and 14 of law n° 98-34 dated 23 May 1998, organizing the profession of agricultural adviser as amended and completed by law n° 2002-86 dated 14 October 2002, and replaced by the following provisions:

Article 2 Paragraph 1 (new) – Without prejudice to the exceptions provided for by the legislative texts, the profession of agricultural is practiced as a principal activity according to the provisions of the law herein and in accordance with the specifications approved by the order of the Minister charged of agriculture.

Article 3 (new) – The profession of agricultural adviser may be practiced only after lodging the duplicates of the specifications duly signed and dated on all pages, by keeping one of the copies relating to the visa of the administration in order to prove its notification.

Article 4 Paragraph 1 (new) – Every person aiming at exercising the profession of agricultural adviser shall meet the following conditions:

Article 5 Paragraph 1 (new) – An annual list of the agricultural advisers is fixed by order of the Minister charged of agriculture.

Article 12 (new) – The omission or the professional misconduct attributed to the agricultural adviser shall be subject of a probative file submitted by the user to the territorially competent regional commissioner of

agricultural development who informs the concerned agricultural adviser of the omission or the professional misconduct attributed to him in order to present his observations within a deadline of 20 days as from the notification date by a registered letter with acknowledgement of receipt.

Article 13 (new) – The territorially competent regional commissioner of the agricultural development rules on the file after the completion of the inquiries as far as he is concerned and the drawing-up of a report about him and may propose to the Minister charged of agriculture to submit a warning or to make a decision to suspend the activity for a period not exceeding three months against the agricultural adviser whose omission or professional misconduct has been proved.

Article 14 (new) – The decision of warning or suspension of the activity of the agricultural adviser is made by the Minister charged of agriculture after consulting the report of the territorially competent regional commissioner of the agricultural development provided for in article 13 of the law herein and after consulting with the advisory committee established for this purpose and which composition and operating methods are fixed by decree.

The concerned agricultural adviser shall be informed about the decision made against him by a registered letter with acknowledgement of receipt.

Art. 5 – Is replaced the expression “Article 4 of the law herein “provided for in article 2 (bis) of law n° 98-34 dated 23 may 1998 organizing the profession of agricultural adviser by the expression “by the specifications provided for by article 2 of the law herein”.

Art. 6 – Shall be repealed, the authorization for the plantation of vat vines provided for by law n° 75-10 dated 19 February 1975, organizing the wine sector and replaced by specifications approved by order of the Minister charged of agriculture.

The law herein shall be published in the Official Gazette of the Republic of Tunisia and implemented as law of the State.

Tunis, 20 July 2009.

Zine El Abidine Ben Ali

CONSTITUTIONAL COUNCIL (*)

Opinion n° 16-2009 of the constitutional council, on the draft law simplifying the administrative procedures in the sector of agriculture and fishing.

(*) The opinion is published only in Arabic and French.