

MINISTRY OF YOUTH AND SPORTS

Order of the Minister of Youth and Sports dated 8 March 2011, fixing the organizing methods of the external competitive examination on the basis of files for the recruitment of principal animators in sports for all.

(Published only in Arabic and French)

Order of the Minister of Youth and Sports dated 8 March 2011, opening an external competitive examination on the basis of files for the recruitment of principal animators in sports for all.

(Published only in Arabic and French)

MINISTRY OF PLANNING AND INTERNATIONAL COOPERATION

APPOINTMENT

By decree n° 2011-300 dated 10 March 2011.

Mister Nouredine Zekri is appointed as the director general of the foreign investment promotion agency.

(The rest is published only in Arabic and French)

MINISTRY OF INDUSTRY AND TECHNOLOGY

Decree n° 2011-301 dated 14 March 2011, fixing the methods and procedures of implementation of the provisions of decree-law n° 2011-9 dated 28 February 2011, relating to the temporary measures of support to the economic enterprises to continue their activities.

The President of the Republic by Interim,

On a proposal from the Minister of Industry and Technology,

Having regard to law n° 60-30 dated 14 December 1960, organizing the social security systems, as amended and completed by subsequent texts,

Having regard to the labor code promulgated by law n° 66-27 dated 30 April 1966, as amended and completed by subsequent texts,

Having regard to the investments incentive code promulgated by law n° 93-120 dated 27 December 1993, as amended and completed by subsequent texts,

Having regard to law n° 95-34 dated 17 April 1995, relating to the recovery of the enterprises in economic

difficulties, as amended and completed by subsequent texts,

Having regard to law n° 2001-65 dated 10 July 2001, relating to the credit institutions, as amended and completed by the subsequent texts,

Having regard to the decree-law n° 2011-9 dated 28 February 2011, relating to the temporary measures of support to the economic enterprises to continue their activities,

Having regard to decree n° 95-916 dated 22 May 1995, fixing the attributions of the Ministry of Industry, as amended and completed by decree n° 2010-3215 dated 13 December 2010,

Having regard to the opinion of the Minister of Finance, the Minister of Social Affairs and the Minister of Planning and International Cooperation,

Having regard to the opinion of the Administrative Tribunal.

Decrees the following:

Article one - The enterprises provided for by article one of the decree-law n° 2011-9 dated 28 February 2011, relating to the temporary measures of support to the economic enterprises to continue their activities, desiring to benefit from the advantage of the State taking in charge of the employer's contribution to the national legal system of social security within the meaning of articles 2 and 3 of the aforesaid decree-law, shall lodge an application at the factory inspection which has jurisdiction or at the factory inspection general directorate, depending on the case, and this, in order to examine the request of reduction of the working hours or of technical layoff in accordance with the procedures provided for by the articles from 21 to 21 - 11 of the labor code and mention expressly the request of the benefit from this advantage.

Art. 2 - In case of agreement of the regional or central dismissal control commission, depending on the case, of the reduction of the working hours of eight hours per week at least of the usual number of the working hours to which the enterprise is submitted or the technical layoff for the enterprises provided for by article one of the decree-law n° 2011-9 dated 28 February 2011 referred to above, the relevant departments of the Ministry in charge of social affairs transmit a copy of the report of the dismissal control commission accompanied with a list of names of the workers concerned by the procedures to the advisory commission provided for by article 10 of the decree herein.

Art. 3 - The advantages provided for in articles 2 and 3 of the decree-law n° 2011-9 dated 28 February 2011 referred to above are granted by decision of the Minister in charge of social affairs after opinion of the advisory commission provided for by article 10 of the decree herein.

Art. 4 - In case of resumption of work according to the usual hours number per week makes the enterprise non eligible to the advantage provided for by article 2 of the decree-law n° 2011-9 dated 28 February 2011 referred to above or in the event of resumption of the activities of the technical laid off workers, the benefit from the advantages granted on the basis of the articles 2 and 3 of the decree-law referred to above is suspended. The concerned enterprise shall, immediately, inform the factory inspection which has jurisdiction or the factory inspection general directorate, depending on the case, as well as the social security national fund.

Art. 5 - In case of non respect by the enterprise of the declaration obligation or the non- payment of the contributions due in accordance with articles 2 and 3 of decree-law n° 2011-9 dated 28 February 2011; this one is withdrawn and reimbursed by the enterprise in accordance with 12 of the aforesaid decree-law.

Art. 6 - The amounts given to the workers of the concerned companies in accordance with articles 2 and 3 of decree-law n° 2011-9 dated 28 February 2011 referred to above are considered as an integral part of their salaries and cannot, under no circumstances, be returned or deducted from their legal rights.

Art. 7 - The expenses related to the advantage of the State taking in charge of the employer's contribution to the national legal system of social security mentioned in articles 2 and 3 of decree-law n° 2011-9 dated 28 February 2011 referred to above, are imputed on the credits inscribed in the budget of the Ministry in charge of social affairs.

The amounts resulting from the grant of this advantage are paid for the benefit of the social security national fund on the basis of a monthly statement transmitted to the Ministry in charge of social affairs including notably the number of the concerned workers from each enterprise beneficiary of the advantage, the salary amount stated for their benefit and the amount resulting from this taking in charge. The Ministry in charge of social affairs shall monthly address these approved statements to the departments of the Ministry of Finance.

Art. 8 - The enterprises provided for in article one of the decree-law n° 2011-9 dated 28 February 2011 referred to above, desiring to benefit from the advantage provided for in article 5, shall deposit an application to the advisory commission provided for in article 10 of the decree herein accompanied with a report on the registered damages with the documents justifying these damages.

The right to benefit from the advantage provided for in article 5 of the decree-law referred to above is granted according to a decision of the Minister of Finance.

Art. 9 - To benefit from the advantage provided for by article 6 of the decree-law n° 2011-9 dated 28 February 2011 referred to above, relating to the State taking in charge of the differential between the interest rate of the loans

granted by the credit institutions to the affected economic enterprises and the average rate of the monetary market within the limit of two points, the credit institution shall address to the advisory commission provided for by article 10 of the decree herein a file including notably:

1) For the rescheduling credits:

-A table of the reimbursement of the amounts subject of the rescheduling in principal and interests,

-A copy of the draft rescheduling contract concluded between the credit institution and the concerned enterprise,

-A roll of the credit terms subject of the rescheduling.

2) For the credits of financing of the repair investments of the occurred damages:

-A copy of the draft contract concluded between the credit institution and the concerned enterprise and the depreciation table,

-An expertise and evaluation report of the damages drawn-up by an expert.

The advantage relating to the State taking in charge of the differential between the interest rate and the average rate of the monetary market is granted by a decision of the Minister of Finance on the opinion of the advisory commission provided for by article 10 of the decree herein.

Art. 10 - Shall be established by the Minister in charge of industry, an advisory commission having for mission to rule on the applications of benefit from the advantages provided for by articles 2, 3, 5, and 6 of the decree-law n° 2011-9 dated 28 February 2011 referred to above.

Art. 11 - The advisory commission established according to article 10 of the decree herein is chaired by the Minister in charge of industry or his representative and is composed of the following members:

-A representative of the Prime Minister,

-Three representatives of the Minister of Finance,

-A representative of the Minister of Industry and Technology,

-A representative of the Minister of Social Affairs,

-A representative of the Minister of Planning and International Cooperation,

-A representative of the Central Bank of Tunisia.

The commission president may call for any person whose presence is deemed useful to its works.

The advisory commission members are appointed by order of the Minister in charge of Industry on a proposal from the concerned Ministries and organizations.

Art. 12 - The commission meets upon a call from its president, each time it is necessary and at least once a week.

The commission deliberations are legal only in the presence of the majority of its members and the opinions are given with the majority of votes of the present members.

In lack of the quorum, the commission president calls again for its members and the commission meets on the date provided by its president, and this, whatever the number of the present members. However, the presence of the representatives of the Minister of Finance and the representative of the Central Bank of Tunisia is compulsory in all the commission meetings.

The commission secretariat is provided by the general directorate of the small and medium-sized enterprises in the Ministry of Industry and Technology.

Art. 13 - The activities of the services eligible to benefit from the temporary measures of support to the economic enterprises to continue their activities provided for by

article one of decree-law n° 2011-9 dated 28 February 2011 referred to above, are fixed in accordance with the list annexed to the decree herein.

Art. 14 - The Minister of Finance, the Minister of Industry and Technology, the Minister of Social Affairs and the Minister of Planning and International Cooperation, each in his respective capacity, shall implement the decree herein which shall be published in the Official Gazette of the Republic of Tunisia.

Tunis, 14 March 2011.

The President of the Republic by interim
Fouad Mebazaâ

For legalization and signature : the president of the municipality ISSN:0330.7921 certified true copy: the chairman and the managing director of the Official Printing Office of the Republic of Tunisia

"This number of the Official Gazette of the Republic of Tunisia is deposited at the residence of the governorate of Tunis on 16 March 2011"