

Law n° 2009-35 dated 30 June 2009, amending and completing law n° 2008-79 dated 30 December 2008, relating to temporary measures of support to the economic enterprises in order to pursue their activities (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Article one - Shall be repealed as of 1st July 2009 the provisions of articles 1, 2, 6 and of paragraph 2 of article 8 of law n° 2008-79 dated 30 December 2008, relating to temporary measures of support to the economic companies in order to pursue their activities, and replaced by the following provisions :

Article one (new) – The State takes in charge 50% of the employers' contribution to the national legal system of social security, due in terms of the salaries paid to the workers concerned with the measure of reducing working hours by 8 hours a week, for reasons of deceleration of the activity, and this, for :

- the totally exporting companies as defined in paragraph one of article 10 of the investment incentives code,

(1) Preparatory works :

Discussion and adoption by the Chamber of Deputies during its session held on 23 June 2009.

Discussion and adoption by the Chamber of Advisors during its session held on 26 June 2009.

- the companies implanted in the economic activities parks as defined by law n° 1992-81 dated 3 August 1992, as completed and amended by subsequent texts and operating in the sectors covered by the investment incentives code,

- the companies having realized an average of 50% at least of their turnover in export for the years 2007 and 2008, and this, for the companies operating in the sectors covered by the investment incentives code.

Article 2 (new) - The State shall take in charge the employers' contribution to the national legal system of social security as for the salaries disbursed to the workers temporarily laid off for reasons of deceleration of their activities in relation with the external markets by :

- the totally exporting companies as defined in paragraph one of article 10 of the investment incentives code,
-the companies implanted in the economic activities parks as defined by law n° 1992-81 dated 3 August 1992, as completed and amended by subsequent texts and operating in the sectors covered by the investment incentives code,
- the companies having realized an average of 50% at least of their turnover in export for the years 2007 and 2008, and this, for the companies operating in the sectors covered by the investment incentives code.

Article 6 (new) - The State shall take in charge the differential between the interest rate of the rescheduling loan and the average rate of the money market within the limit of two points for the loan rescheduling operations granted by credit establishments, as defined by law n° 2001-65 dated 10 July 2001 relating to credit establishments, for the benefit of the exporting companies having registered a delay in the refunding of their credits coming from export due to the loss of their external markets, provided that the period of rescheduling does not exceed five years.

This measure is relating to the installments of the fallen loans or which will fall during the period from 1st October 2008 to 31 December 2009.

The application methods and procedures of the article herein shall be fixed by decree.

Article 8 Paragraph 2 (new):

2. it shall not have had non-paid debts at the credit establishments for a period exceeding nine (9) months on 1st October 2008.

Article 2 – It is added to law n° 2008-79 dated 30 December 2008 relating to temporary measures of support to the economic enterprises in order to pursue their activities an article 9 bis worded as the following:

Article 9 bis – The totally exporting companies as defined by article 10 of the investment incentives code promulgated by law n° 93-120 dated 27 December 1993, as amended and completed by subsequent texts shall be

authorized to carry out sales or provisions of services on the local market on a part of their own production within a limit not exceeding 50% of their turnover on export instead of 30% mentioned in article 16 of the same code and this within the same conditions and procedures in force. The companies implanted in the economic activities parks and operating in the sectors covered by the investments incentive code shall be authorized to carry out sales or provisions of services on the local market on a part of their own production within a limit not exceeding 50% of their turnover on export instead of 20% mentioned in article 21 of law n° 1992-81 dated 3 August 1992 relating to economic activities parks as completed and amended by subsequent texts.

Article 3 - The law herein shall apply for a six-month period as of 1st July 2009 and remains in force till 31 December 2009 the provisions of articles 3, 4, 5, 7, of paragraph 1 of article 8, article 9 of law n° 2008-79 dated 30 December 2008 relating to temporary measures of support to the economic enterprises in order to pursue their activities.

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

Tunis, 30 June 2009.

Zine El Abidine Ben Ali