

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

Art. 2 - The State takes in charge the employers' contribution to the national legal system of social security as for the salaries disbursed to the workers temporarily laid off by the totally exporting companies, as defined in paragraph one of article 10 of the investment incentives code, for reason of deceleration of their activities in relation with the external markets.

Art. 3 - In order to benefit from the provisions of articles one and 2 of the law herein, it is necessary that:

The operation to reduce the working hours and the layoffs shall be carried out in accordance with the procedures provided for by articles 21 to 21-11 of the labor code,

The benefiting enterprise declares the salary of the workers mentioned in articles one and 2 of the law herein on the basis of the salary paid during the concerned period, it also deducts and pays the quota of the contributions paid by the worker and the remaining quota of the employers' contribution.

Art. 4 - The application methods and procedures of articles one, 2 and 3 of the law herein are fixed by decree.

(1) Preparatory works :

Discussion and adoption by the Chamber of Deputies during its session held on 26 December 2008.

Discussion and adoption by the Advisors during its session held on 30 December 2008.

Art. 5 - The State takes in charge 50% of insurance premiums due on the export insurance contracts of exporting companies concluded with insurance establishments of external trade in accordance with the principle of universality.

The rate of the State refunding of the insurance premiums is financed by the resources of the guarantee fund of export risks.

A company specialized in export insurance is vested with the management of the system of the State refunding of the insurance premiums, for this company's account and for the account of the insurance establishments that exercise the activity of external trade insurance, and this in accordance with a convention to conclude between the Minister of Finance and this company.

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

Art. 6 – The state shall take in charge the differential between the interest rate of the rescheduling loan and the average rate of the money market and this 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 three years.

This measure is relating to the installments of the fallen loans or which will fall during the period provided for by article 10 of the law herein and which the payment was not carried out.

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

Art. 7 – The credit establishments as defined by law n° 2001-65 dated 10 July 2001 relating to credit establishments, deduce from the tax base on the companies, the ordinary interests and the interests on arrears recorded among their products and which are abandoned within the framework of the rescheduling provided for by article 6 of the law herein.

To benefit from this deduction, the concerned credit establishment shall join to the annual declaration of the corporation tax, a detailed statement of the claims which mentions in particular the abandoned amount of the ordinary interests and the interests on arrears, the exercise which products include the interests subject of the abandonment, as well as the identity of the beneficiary of this abandonment.

Art. 8 – To benefit from the provisions of article 6 of the law herein, it is necessary that:

1. The company is not subject of procedures within the framework of law n° 95-34 dated 17 April 1995 relating to the recovery of the companies having economic difficulties,

2. it shall not have had non-paid debts at the credit establishments for a period exceeding nine (9) months at the date of the entry into force of the law herein.

Art. 9 - The advantages provided for by the law herein shall be withdrawn from their beneficiaries and reimbursed in case of non-respect of its provisions. The beneficiaries should reimburse these advantages, increased of penalties of delay as provided for by article 63 of the investment incentives code.

The withdrawal and the reimbursement of these advantages are carried out:

- in accordance with the tax legislation in force concerning the advantages provided for by article 7 of the law herein.

- by a substantiated order of the Minister of Finance after opinion or on a proposal from the concerned departments, and this, after the hearing of the beneficiaries in the other cases.

Art. 10 – The law herein shall apply for a six-month period after its entry into force.

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

Tunis, 30 December 2008.

Zine El Abidine Ben Ali