

by the subsequent texts and notably law n° 2000-40 dated 5 April 2000 and notably articles 8, 10, 13 and 17,

Having regard to law n° 85-91 dated 22 November 1985, governing the manufacturing and registration of the medicines intended for human medicine, as amended and completed by subsequent texts and notably law n° 99-73 dated 26 July 1999,

Having regard to the new customs duties tariff at the import enacted by law n° 89-113 dated 30 December 1989, as amended and completed by subsequent texts and notably law n° 2009-71 dated 21 December 2009, relating to the appropriations law for the year 2010 and notably paragraph 7.19 of title II of the preliminary provisions,

Having regard to decree n° 75-316 dated 30 May 1975, fixing the attributions of the Ministry of Finance,

Having regard to decree n° 90-1400 dated 3 September 1990, fixing the good practice of manufacturing of the medicines intended to human medicine, their quality control, their packing, their labeling, their denomination and their advertisement,

Having regard to decree n° 2003-1258 dated 2 June 2003, fixing the list of raw materials and items not having similar locally manufactured items and intended to the manufacturing of medicines under numbers 30.03 and 30.04 of the customs duties tariff and the conditions of benefit from the exemption from customs duties,

Having regard to the opinion of the Minister of Public Health,

Having regard to the opinion of the Minister of Industry and Technology,

Having regard to the opinion of the Minister of Trade and Handicrafts,

Having regard to the opinion of the Administrative Tribunal.

Decreets the following :

Article one - Shall be added to list n°1 annexed to decree n° 2003-1258 dated 2 June 2003 mentioned above, the raw materials and the items mentioned in annex n° 1 of the decree herein.

Art. 2 - Shall be deleted, list n° 2 relating to the raw materials and items not having similar locally manufactured items, intended to the manufacturing of medicines and whose import is subjected to the prior visa of the invoice, annexed to decree n° 2003-1258 dated 2 June 2003 mentioned above and shall be replaced by annex n° 2 of the decree herein.

Art. 3 - The Minister of Finance, the Minister of Public Health, the Minister of Industry and Technology and the Minister of Trade and Handicrafts, each in his respective capacity, shall implement the provisions of the decree herein which shall be published in the Official Gazette of the Republic of Tunisia.

Tunis, 9 November 2010.

Zine El Abidine Ben Ali

Decree n° 2010-2947 dated 9 November 2010, granting the "SISORA" company the advantages provided for by article 52 of the investments incentive code.

(Published only in Arabic and French)

MINISTRY OF VOCATIONAL TRAINING AND EMPLOYMENT

Decree n° 2010-2948 dated 9 November 2010, fixing the conditions, methods and the procedures of grant of the authorization to the private establishments to exercise employment activities abroad.

The President of the Republic,

On a proposal from the Minister of Vocational Training and Employment,

Having regard to organic law n° 2004-63 dated 27 July 2004, relating to the protection of personal data,

Having regard to law n° 85-75 dated 20 July 1985, relating to the regime applicable to the technical cooperation personnel, all amending and completing texts and notably law n° 2010-49 dated 1st November 2010 and notably article 3,

Having regard to decree n° 2000-615 dated 13 March 2000, organizing the Ministry of Vocational Training and Employment, as amended by decree n° 2002-1303 dated 3 June 2002,

Having regard to decree n° 2010-72 dated 14 January 2010, appointing the Government members,

Having regard to the opinion of the Minister of the Interior and Local Development, the Minister of Foreign Affairs, the Minister of Development and International Cooperation, the Minister of Social Affairs, Solidarity and Tunisians Abroad and the Minister of Finance,

Having regard to the opinion of the Administrative Tribunal.

Decreets the following :

Article one - In accordance with the provisions of article 3 of the law referred to above n° 85-75 dated 20 July 1985, may be authorized the creation of private establishments in charge of prospecting employment opportunities abroad, to work for their satisfaction and undertake all the related activities, and this, in accordance with the conditions, methods and procedures fixed by the decree herein.

Art. 2 - The activities of the private establishments of prospection of the employment opportunities abroad consist of:

Prospect the employment opportunities abroad and work for their satisfaction,

Provide personalized services for the profit of the candidates to be employed abroad in the domain of the elaboration of the curriculum vitae and in the matter of the employment research techniques,

Organize sessions of preparation, adaptation, supervision and accompaniment for the profit of the candidates to be employed abroad in linguistic, social fields and the support for the professional, cultural and social integration domains in the host countries.

Organize meetings aiming at the rapprochement between the offers and the applications of the employment abroad.

Organize examinations, competitive examinations, pre-selection or final selection campaigns, interviews or discussions with the companies established abroad or their representatives, and this, in Tunisia, abroad, or by using the distance communications means,

Realize studies and consultations or regards employment abroad.

Art. 3 - The private establishments of prospection of the employment opportunities abroad exercise the activities mentioned in article 2 of the decree herein without being part of the work relation between the candidate and the enterprise which will employ him abroad.

Art. 4 - It is prohibited to the private establishments of prospection of employment opportunities abroad to receive directly or indirectly, totally or partially a financial compensation or any other costs from the candidate to an employment abroad.

Art. 5 - The private establishments of prospection of employment opportunities abroad shall treat all the candidates to an employment abroad having recourse to its services, without any discrimination whatever its nature.

Art. 6 - The contract of the employment abroad shall include notably the following:

- Data concerning the employer
- Data concerning the employee,
- The duration of work subject of the contract.
- The net remuneration and other advantages.
- The social cover which shall be in conformity with the legislation of the concerned country.

Art. 7 - The authorization for the exercise of activities in the field of the prospection of employment opportunities abroad is granted by the Minister in charge of employment, after the opinion of an advisory commission set up for this purpose and composed, under the chairmanship of the Minister in charge of employment or his representative, of the members below:

- A representative of the Ministry of Vocational Training and Employment,
- A representative of the Ministry of Foreign Affairs,
- A representative of the Ministry of the Interior and Local Development,
- A representative of the Ministry of Development and International Cooperation,
- A representative of the Ministry of Social Affairs, Solidarity and Tunisians Abroad,

- A representative of the Tunisian Agency for Technical Cooperation,

- A representative of the national agency for employment and independent work.

The commission chairman may call any person whose presence is deemed to be useful to participate, in an advisory capacity, in the commission meetings, and this, considering the issue inscribed in the agenda.

The commission members are appointed for a three-year duration by decision of the Minister in charge of employment, on a proposal from the concerned Ministries and organizations.

The commission meets on convocation of its chairman, each time the need arises, in accordance with an agenda communicated to all its members at least a week before the meeting date.

The commission may deliberate validly only in the presence of the majority of its members. Lack of quorum, a second meeting is held within the seven days that follows to deliberate validly, whatever the number of the present members.

The commission opinions are given with the majority of votes of the present members, in the event of a tied vote, the president vote is casting.

The commission deliberations are recorded in reports, a copy of which is handed to each one of its members.

The commission secretariat is ensured by the relevant departments of the Ministry in charge of employment.

Art. 8 - The authorization application for the creation of a private establishment of prospection of employment opportunities abroad shall be lodged by the promoter at the central mail reception office of the Ministry in charge of employment in conformity with the model available for this purpose.

It shall be ruled on the authorization application within a maximum of a two-month deadline as of the date of deposit of a complete file.

The Minister in charge of employment may refuse the grant of the agreement referred above by a substantiated decision and after opinion of the commission mentioned in article 7 of the decree herein.

The decision of authorization or the refusal of authorization is sent to the interested person by a registered mail with acknowledgement of receipt within a maximum of a seven-day deadline as of the date of the commission meeting mentioned above.

The effective exercise of the activity may take place only after the obtaining of the authorization mentioned in article 7 above.

The authorization is personal and cannot be transferred to others in whatever form.

Art. 9 - The relevant departments of the Ministry in charge of employment proceed, during the month of December of each year, to the publication of the list of the private establishments holders of authorizations in current validity for the exercise of the activity of prospection of employment opportunities abroad, in two daily papers.

Art. 10 - The private establishment of prospection of employment opportunities abroad shall have appropriate premises for the nature of the provided services. The spaces and equipments of the establishment shall, in addition, be adequate with the services above mentioned and in accordance with the work health and safety conditions provided for by the legislation and regulations in force.

The private establishment of prospection of employment opportunities abroad shall display a copy of the authorization decision in the head office of the establishment and the places open to the public.

The private establishment of prospection of employment opportunities abroad shall display the employment abroad offers, and in general all information likely to give information to the candidates to an employment abroad, it shall, in addition, proceed to their update in a periodic manner.

Art. 11 - The private establishment of prospection of employment opportunities abroad shall mention in all its documents the denomination of the establishment as mentioned on the authorization decision, followed by the expression "private establishment of prospection of employment opportunities abroad", as well as the number and date of the authorization.

Art. 12 - The private establishment of prospection of employment opportunities abroad shall inform the Minister in charge of employment of any change of its head office, of the person of its legal representative or of the partial or total stop of the activity, and this within a deadline not exceeding seven days as of the occurrence of the concerned event.

Art. 13 - The private establishment of prospection of employment opportunities abroad shall keep registers comprising the provided services and the list of the beneficiaries.

Art. 14 - The legal representative of the private establishment of prospection of employment opportunities abroad or his agent shall:

- Be of a Tunisian nationality and aged at least twenty years,
- Enjoy his civic rights and should not be sentenced for an intentional offence or for a crime,
- Be holder of a higher education diploma.

Art. 15 - The private establishment of prospection of employment opportunities abroad shall supply a bank guarantee to first application whose amount is fixed by a joint order of the Minister in charge of employment and the Minister in charge of Finance.

Art. 16 - The private establishment of prospection of employment opportunities abroad shall respect the legislation and regulations in force notably those relating to the protection of personal data.

Art. 17 - It is prohibited to the legal representative of the private establishment of prospection of employment opportunities abroad or his agent to induct in error the candidates to an employment abroad and the companies that provide the employment offers of employment abroad through the supply of imprecise, wrong or nonexistent information concerning the offers, contracts or promises of employment at employers established abroad, for fear of being exposed to the sanctions provided in the legislation and regulations in force.

Art. 18 - The private establishment of prospection of employment opportunities abroad is subjected to the administrative control of the Minister in charge of employment:

The relevant departments of the Ministry in charge of employment may, if necessary, insure visits to the offices of the private establishments of prospection of employment opportunities abroad.

The private establishment of prospection of employment opportunities abroad shall facilitate to the agents commissioned by the Ministry in charge of employment the exercise of the check missions which are entrusted to them.

Art. 19 - Any private establishment of prospection of employment opportunities abroad shall transmit to the Ministry in charge of employment and before 31 January of each year, an annual report on its activities, and this, in accordance with the model available for this purpose at the relevant departments of the aforementioned Ministry.

Art. 20 - In the event of non respect of the provisions of the decree herein, the Minister in charge of employment may, after the opinion of the commission mentioned in article 7 and after having heard the legal representative of the concerned establishment, pronounce one of the following sanctions:

A warning against the legal representative of the establishment, if the defaults are simple, with the grant of a maximum one-month deadline to overcome them.

The temporary withdrawal of the authorization for a period not exceeding six months,

The final withdrawal of the authorization.

The sanctions are notified by a registered letter with acknowledgment of receipt. The sanctions mentioned in the second and third dashes above are published in two daily papers within a three-day deadline as of the date of the sanction notification.

Art. 21 - The Minister of the Interior and Local Development, the Minister of Foreign Affairs, the Minister of Development and International cooperation, the Minister of Social Affairs, Solidarity and Tunisians abroad, the Minister of Finance and the Minister of Vocational Training and Employment, each in his respective capacity, shall implement the decree herein which shall be published in the Official Gazette of the Republic of Tunisia.

Tunis, 9 November 2010.

Zine El Abidine Ben Ali