

The Ex Post Facto Oversight by the President of the Municipal People's Council over Building and Urban Planning Works in Algerian Legislation

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Abstract

This study examines the ex post facto oversight exercised by the President of the Municipal People's Council over construction and urban planning projects in Algerian legislation. The study considers this oversight to be a mechanism for verifying compliance with legal and regulatory rules and ensuring that works conform to permits and urban planning certificates. The study aims to identify the President's competencies in monitoring works, inspecting violations and bringing works into conformity, and to clarify the legal effects of such oversight.

Methodologically, the study takes an analytical approach, examining the relevant legal and regulatory texts. It concludes that the President occupies an important position within the ex post facto oversight system; however, the exercise of these powers overlaps with the competencies of authorised agents and other administrative authorities. Consequently, the effectiveness of this oversight clearly depends on the clear delineation of jurisdictions, proper coordination and the correct implementation of legal procedures.

Keywords: President of the Municipal People's Council, ex post facto oversight, construction works, land planning and urban development, certificate of conformity, building violations.

Introduction

Urban development is one of the most important areas in which local governments intervene, due to its direct impact on land use regulation, urban fabric protection, and public interest realisation. In this context, Algerian legislation has granted the President of the Municipal People's Council competencies relating to planning and urban development. The aim of these competencies is to ensure compliance with legal and regulatory rules, and to monitor urban activity within the municipality's territory, in accordance with the provisions of Law No. 90-29 of 1 December 1990 on planning and urban development, as amended and supplemented, together with the relevant regulatory texts¹.

Urban oversight is carried out through a range of mechanisms and instruments operating at different stages of the urban development process. When organising urban activity, the administration relies on planning and development tools, particularly urban planning documents such as the Master Plan for Planning and Urban Development and the Land Use Operations Plan. Additionally, there is a

¹- Law No. 90-29, dated 1 December 1990, relating to planning and development (aménagement et urbanisme), Official Gazette No. 52, dated 2 December 1990. Amended and supplemented by Law No. 04-05, dated 14 August 2004, Official Gazette No. 51, dated 15 August 2004.

system of permits and urban certificates classified as development instruments (urban planning contracts). Algerian law regulates their provisions and the procedures governing their preparation and issuance through Executive Decree No. 15-19, as amended and supplemented. This decree sets out the procedures for preparing and issuing development instruments².

While these tools enable the administration to exercise prior (preventive) control over urban activity before certain construction work begins, ex post facto oversight verifies whether the project owner has complied with applicable urban regulations and the conditions specified in the permit, and whether the work carried out is consistent with the relevant legal and regulatory provisions.

Ex post facto oversight is particularly important, as it enables the administration to effectively verify whether the works carried out comply with the permit issued and with the legal and regulatory rules related to planning and urban development. Algerian legislation has regulated this oversight through a set of mechanisms and procedures, in particular: monitoring buildings during their construction stage; investigating alleged violations of planning and urban development rules and examining them; and, moreover, the conformity procedures and the issuance of a certificate of conformity.

Within this system, the President of the Municipal People's Council occupies an important position. However, he does not exercise his competencies in the field of ex post facto oversight independently; rather, his role overlaps with that of authorised agents and other administrative authorities. This raises the question of determining the nature and scope of these competencies, as well as distinguishing between monitoring and identifying/establishing violations, and taking legal measures resulting from them.

The importance of clarifying these competencies has increased in light of the developments witnessed by the legal framework governing development instruments (urban development contracts), particularly pursuant to Executive Decree No. 26-158 dated 14 April 2026, amending and supplementing Executive Decree No. 15-19. This decree introduced specific provisions for investment projects registered with the Algerian Agency for Investment Promotion, linking certain building permit and certificate of conformity procedures to the 'single window' mechanism affiliated with that agency. Consequently, the procedural pathway for subsequent (ex post facto) oversight of construction is no longer uniform. It is now necessary to distinguish between projects subject to the ordinary administrative procedure and investment projects subject to the special regime introduced by the decree.

Importance of the Study

The significance of studying this subject lies in the role played by ex post facto oversight in limiting violations of the rules governing building and urban development, protecting the urban system and the public interest, and safeguarding the rights of third parties. In addition, the study aims to assess the extent to which the legal framework governing the President of the Municipal People's Council's competencies in this field is sufficient, and to what degree these competencies have been affected by the recent regulatory developments—particularly those introduced by Executive Decree No. 26-158.

Objectives of the study

This study aims to:

²- Executive Decree No. 15-19, dated 25 January 2015, specifies the procedures for preparing and delivering development/planning contracts (contrats d'aménagement). Official Gazette No. 7, dated 12 February 2015, amended and supplemented by Executive Decree No. 26-158, dated 14 April 2026, Official Gazette No. 31, dated 28 April 2026.

- determine the competencies of the President of the Municipal People's Council in the area of ex post facto oversight of building and urban development works;
- clarify the limits of his intervention and his relationship with other stakeholders;
- Identify the legal consequences of either complying with or violating the regulations.
- Take into account the developments introduced by Executive Decree No. 26-158.

Research problem (research question):

In light of the foregoing, the study raises the following central issue:

To what extent did the Algerian legislator organise the competencies of the President of the Municipal People's Council in the field of ex post facto oversight of building and urban development works, and what legal effects arise from the exercise of these competencies?

Methodology

To address this issue, the study employs an analytical approach with a descriptive element, examining legal and regulatory texts related to planning and urban development, as well as the competencies of the President of the Municipal People's Council.

Plan of the study

This study is divided into two chapters. The first chapter examines the ways in which the President of the Municipal People's Council exercises ex post facto oversight of building and urban development works. The second chapter is devoted to studying the legal effects resulting from such oversight.

Chapter One: Forms of Ex Post Facto Oversight Exercised by the President of the Municipal People's Council over Building and Urban Development Works

The legislator has sought to strengthen administrative oversight mechanisms in the field of urban development. In order to preserve public order within the urban system, the legislator has entrusted the President of the Municipal People's Council, together with authorised agents and other administrative authorities, with a range of tasks related to monitoring construction work within the municipality's territory.

This oversight takes two principal forms. The first involves oversight during the execution of building works, through monitoring construction sites, conducting visits and inspections, and verifying compliance with the issued permit and approved technical documents. The second form of oversight occurs after the completion of the works and involves procedures for declaring completion, conducting conformity inspections, issuing certificates of conformity and, when non-conformity is established, taking the required legal measures.

Section One: Forms of Oversight during the Execution of Building Works

The President's ex post facto oversight during the construction phase is manifested through a set of procedures and mechanisms aimed at enabling the administration to monitor construction sites and verify the extent to which the project owner complies with the granted permit and its conditions. The most important of these are the procedures for opening the construction site and publicising the authorised works, the preparatory steps for conducting oversight and on-site visits to construction sites³.

First Subsection: Procedures for Opening the Construction Site and Publicizing the Authorized Works

³- Articles 73 and 76 bis, and all subsequent provisions of Law No. 90-29.

Before commencing the execution of building works, the beneficiary of a building permit must comply with the legal procedures relating to opening the construction site and publicizing the authorized works. This ensures that the competent administrative authorities can monitor the project's implementation and verify compliance with the provisions and conditions on the basis of which the building permit was granted.

In this regard, Law No. 08-15 on the rules for ensuring building compliance and completing their construction has regulated the procedures for opening the construction site for the completion of building works. Under this framework, the interested party must submit an application for opening the construction site to the President of the Municipal People's Council having territorial jurisdiction. Following this, the President issues a construction site opening permit subject to the conditions and time limits established by law, thereby enabling the works for completing the project to commence within the legal time frames⁴.

Similarly, before starting work, the holder of the building permit must put up a construction site signboard that can be seen from outside and keep it up throughout the period of authorised work. This obligation is governed by the provisions of Executive Decree No. 15-19, which sets out the procedures for preparing and issuing development instruments, as amended and supplemented. The decree specifies the information that must be included on the signboard for the authorised works.

The signboard must contain information about the project, including: references to the building permit; the nature of the authorised works; the project owner's name; the design office's name; the company responsible for carrying out the works; the construction site's opening date; and the works' expected completion date⁵. This enables third parties and the competent administrative authorities to identify the nature of the project, determine the permit under which it is authorised, and assess whether the works correspond to the issued permit.

From a supervisory perspective, the procedures for opening the construction site and publicising the authorised works are of particular importance. They enable the administration to identify which construction sites have opened and monitor the execution of works from the outset. They also allow the administration to verify whether the project owner is complying with the building permit issued and the information and plans on which the permit was based. This facilitates the early detection of any deviation from or violation of the rules governing planning and urban development.

The legislator has also regulated the connection of buildings to various public networks and services. This process involves presenting documents proving the lawfulness and conformity of the construction, in accordance with regulatory provisions related to development instruments. This reflects the integration of preventive and ex post facto oversight mechanisms to ensure compliance with urban planning regulations.

Accordingly, the procedures for opening the construction site and publicising the authorised works are not limited to a purely formal aspect. Rather, they constitute a means by which the administration can monitor the implementation of the works and verify their compliance with the issued permit. For this reason, they are directly connected to oversight during the construction phase of building works.

Second Subsection: Preparatory steps for monitoring building works

⁴- Articles 56 and 57 of Law No. 08-15, dated 20 July 2008, defining the rules for the conformity of buildings and the completion of construction (Official Gazette No. 44, dated 3 August 2008).

⁵- Article 60 of Executive Decree No. 15-19.

The preparatory actions undertaken by the President of the Municipal People's Council to organise and oversee the monitoring of building works include a set of procedures aimed at structuring the monitoring process and identifying the relevant construction sites. The most important of these are keeping a special register to track urban works and inspect violations, and preparing a timetable for visits to the relevant sites⁶.

First: Keeping a special register to track urban works and inspect violations

The President of the Municipal People's Council must maintain a special register for tracking urban works and inspecting violations. This allows the various monitoring operations carried out within the municipality's territory to be recorded and followed up on. This register is an organisational tool that helps to ensure continuity in supervision and provides documentation for monitoring activities.

Secondly, the President of the Municipal People's Council must prepare a timetable for visits to urban construction sites to be conducted by authorised agents attached to the municipality's urban development (planning) service. A copy of this timetable must be sent to the governor and the relevant local planning and building directorates. This facilitates coordination of monitoring activities and follow-up among the various administrative bodies concerned⁷.

Organising these procedures demonstrates that urban supervision involves more than just intervening after a violation has been detected. It also involves preparing for and organising field monitoring operations, ensuring the regular supervision of construction sites within the municipality's territory.

From the legal texts governing oversight in the field of planning and urban development, it is clear that the responsibility for identifying and investigating violations does not lie solely with municipal services. Instead, it involves several authorised agents and entities, each acting within the jurisdiction assigned by the legislator.

In this context, Article 73 of Law No. 90-29 obliges the President of the Municipal People's Council and legally authorised agents to visit buildings during the construction stage, carry out the necessary inspections and review the technical documents relating to the construction.

Furthermore, Article 76 bis of Law No. 90-29 specifies the categories of individuals authorised to identify violations of legislative and regulatory provisions in the field of planning and urban development, and to conduct inspections. These include judicial police officers and agents, such as urban planning inspectors, as well as municipal agents in charge of planning and urban development and employees of the urban development and architectural engineering administration. All are subject to the conditions and ranks determined by law⁸.

Accordingly, monitoring building works, searching for violations of legislative and regulatory provisions relating to planning and urban development, and inspecting them are not the sole responsibility of the President of the Municipal People's Council. Rather, these activities are carried out through the involvement of authorised agents, each acting within their assigned capacity and competence. It is therefore necessary to distinguish between the President's role in organising and

⁶- Articles 09 and 10 of Executive Decree No. 06-55, dated 30 January 2006, specifying the conditions and procedures for appointing qualified officers to investigate violations of legislation and regulations in the field of planning and development, to verify them, as well as the procedures for monitoring. Official Gazette No. 6, dated 05 February 2006; amended and supplemented by Executive Decree No. 09-343, dated 22 October 2009, Official Gazette No. 6, dated 25 October 2009

⁷- Aissa Mehzoul: *The Powers of the President of the Municipal People's Assembly in the Field of Urban Planning*, Jusoor Publishing, First Edition, Algeria, 2014, pp. 152–153.

⁸- Article 2 of Executive Decree No. 06-55.

overseeing supervision and the role of authorised agents in investigating and inspecting violations and establishing proof of such violations.

Third branch: Conducting field visits to construction sites

Field visits are one of the most important forms of ex post (after-the-fact) oversight of construction work. They allow the administration to transition from theoretical supervision based on document review to practical, on-site supervision of the construction site. This ensures verification of the extent to which ongoing work complies with the permits and technical documents provided to the beneficiary. The legislator requires the head of the municipal people's council, as well as duly authorised officers, to visit buildings under construction, carry out the necessary inspections and request related technical documents⁹.

First: Visiting construction worksites

The head of the municipal people's council, in coordination with authorised officers, is responsible for monitoring construction work by travelling to sites and conducting field visits. The purpose of this is to determine the extent to which the beneficiary complies with the permit conditions (subdivision, construction or demolition), as well as the legal provisions and requirements on which the permit was granted¹⁰.

Moreover, the field visit is not merely to confirm the existence of the worksite. It also aims to verify whether the completed works conform to the submitted documents and permits, and to identify any deviations or violations of planning and urbanisation rules at an early stage. This enables the appropriate legal measures to be taken¹¹.

Second: Requesting the Legal and Technical Documents for the Worksites

During the monitoring process, the head of the municipal people's council and duly authorised officers may request and examine technical and legal documents relating to the worksite and the building under construction, particularly the building permit or, where applicable, the demolition permit, as well as any other documents associated with the project. This is to verify the extent to which the ongoing work complies with the provisions and documents on which the permit was granted.

This enables the monitoring authority to compare the actual status of the works with the approved information, plans and technical documents. This allows cases of construction without a permit, construction that does not conform to the issued permit, or other violations falling within the scope of the legislation and regulations governing planning and urbanisation to be identified.

The timing of visits is regulated by the legislator within the texts concerning monitoring. Indeed, Article 8 of Executive Decree No. 06-55 allows for monitoring to be carried out during the day or at night, and on rest days and public holidays, provided it is within the framework of applicable legislation and regulations.

Furthermore, Executive Decree No. 09-156¹² regulates how the work of monitoring and investigation teams is organised when establishing subdivisions, residential complexes and construction worksites,

⁹- Article 73 of Law No. 90-29.

¹⁰- Article 76 bis of Law No. 90-29.

¹¹- Article 5 of Executive Decree No. 06-55.

¹²- Article 10 of Executive Decree No. 09-156, dated 02/05/2009, specifies the conditions and procedures for appointing monitoring and investigation teams for the establishment of housing subdivisions (lotissements), residential groupings and construction sites, and their operation (Official Gazette No. 27, dated 06 May 2009).

as well as their operation. This should be considered in the context of the tasks assigned to these teams, bearing in mind that they are distinct from the monitoring system established under Executive Decree No. 06-55.

Accordingly, field visits are a fundamental means of ex post oversight because they enable the administration to ascertain directly how works are being carried out and to verify whether the project owner is respecting the issued permit and the rules of planning and urbanisation. They also enable duly authorised officers to inspect, document and record violations in accordance with established legal procedures.

Second Requirement: Forms of Oversight After Completion of Construction Works

Administrative oversight of construction works does not end once execution has been completed; rather, it extends to the stage following completion. The aim is to verify the extent to which the completed building conforms to the provisions of the building permit and the approved designs. In this context, the legislator requires the beneficiary of the building permit to notify the administration of the completion of the works. The building is then subject to a conformity procedure, the successful completion of which results in the issuance of a certificate of conformity.

According to Article 56 of Law No. 90-29, the owner or project proponent must notify the municipal people's council of the completion of construction to obtain this certificate. Similarly, Article 75 of the same law stipulates that, upon completion of construction works, proof of conformity with the building permit is provided by the certificate of conformity issued by the head of the municipal people's council or the governor, as appropriate.

However, the procedural organization of this stage has undergone a significant development through Executive Decree No. 26-158, which amended and supplemented the provisions of Executive Decree No. 15-19—particularly Articles 64, 66, 67, 68, and 69. This amendment established a specific procedure for investment projects falling within the scope of the Algerian Agency for the Promotion of Investment. As a result, certain procedures related to declarations, inspections, and the issuance of the certificate of conformity are carried out at the level of the “single windows” (guichets uniques) belonging to the Agency, depending on the nature of the project and the authority that issued the building permit¹³.

Accordingly, ex post oversight after the completion of construction works is manifested primarily through the receipt of the declaration of completion of works, the conduct of the conformity inspection, and finally the issuance of the certificate of conformity. In the event of non-conformity, the appropriate legal measures are taken, while distinguishing between the ordinary procedure and the special procedure applicable to investment projects.

First Branch: Receipt of the Declaration of Completion of Works

The declaration of completion of the works marks the beginning of the subsequent oversight procedures for the building. After completing works authorised under a building permit, the beneficiary must notify the administration so that it can verify whether the completed works comply with the permit's provisions and the approved designs.

In this context, the beneficiary of the building permit must file a declaration in two copies within thirty (30) days of completing the works. This declaration must confirm the completion of works for

¹³- Article 7 of Executive Decree No. 26-158.

buildings intended for residential use. For equipment and buildings intended for collective residential use, or buildings intended to receive the public, the beneficiary must submit a handover report (minutes of delivery of the works), prepared by the National Technical Building Inspection Authority (within the competent national body). This submission is made at the municipal council offices where the building is located, and a receipt is provided as acknowledgement of filing. A copy of the declaration is then sent to the relevant urban planning department¹⁴.

Filing the declaration of completion of the works triggers the stage of verifying the conformity of the completed works. Indeed, the head of the municipal people's council is not limited to merely receiving the declaration; rather, this role extends to initiating the necessary procedures to verify conformity in accordance with the procedures set by the legislator. Moreover, in cases falling within his competence, it includes activating the conformity monitoring procedures—through summoning the competent committee and notifying the holder of the building permit of the date of the inspection.

As for investment projects subject to the special regime of the Algerian Agency for the Promotion of Investment, Executive Decree No. 26-158 delegates these procedures to the relevant departmental representatives at the single window. This confirms that the head of the municipal people's council's competence in this field is now dependent on the nature of the project and the body responsible for issuing the building permit and certificate of conformity¹⁵.

This stage is particularly important because, once the works have been completed, the administration can move from monitoring the construction site during the execution phase to carrying out a final verification of whether the project owner has complied with the authorisation granted, especially with regard to whether the completed works conform to the permit, designs and specifications issued on that basis.

The certificate of conformity is one of the most important tools for ex post oversight. It attests to the conformity of the completed works with the provisions of the building permit. For buildings designated by law, it also serves as an alternative to a housing permit or authorisation to receive the public or users, depending on the building's intended use, while taking into account special provisions relating to the operation of dangerous, unsuitable or unhealthy establishments¹⁶.

Therefore, receiving the declaration of completion is not just a formal step, but the first stage of the conformity process. This allows the head of the municipal people's council and the authorised bodies to oversee the building after completion.

Second branch: Inspection of the Conformity of the Completed Works

Once the declaration of completion has been filed, the focus shifts to verifying that the completed works comply with the provisions of the building permit and the approved designs. This stage is essentially embodied in the work¹⁷ of the conformity monitoring committee.

Executive Decree No. 26-158 has reorganised this process. Accordingly, Article 67 of Executive Decree No. 15-19 (as amended and supplemented) stipulates that the conformity monitoring

¹⁴- Article 66 of Executive Decree No. 15-19.

¹⁵- Article 7 of Executive Decree No. 26-158.

¹⁶- Gharbi Ibrahim: Chaotic/unregulated building in Algeria, Master's thesis, Faculty of Law, Youcef Ben Khedda University, Algeria, 2011–12, p. 91.

¹⁷- Article 75 of Law No. 90-29.

committee must convene within ten (10) days of the declaration of completion being filed¹⁸, at the request of the head of the municipal people's council in ordinary cases. The building permit holder must also be notified of the inspection date at least eight days prior to the inspection, thereby establishing the principle of informing the relevant party and enabling their presence during the monitoring process.

For investment projects under the jurisdiction of the Algerian Agency for the Promotion of Investment, the committee or representatives of the relevant departments at the single window level carry out the inspection procedures in accordance with the specific rules set out in Executive Decree No. 26-158¹⁹.

It is clear from the foregoing that the role of the head of the municipal people's council in this stage is not limited to receiving the declaration of completion of works. Rather, it extends to initiating the conformity procedure by summoning the inspection committee and overseeing related procedures, culminating in making an appropriate decision based on the findings of the inspection report.

First: Composition of the Conformity Committee

The Conformity Committee is responsible for conducting field inspections of buildings whose construction has been completed. It includes legally authorised representatives of the head of the municipal people's council and the relevant departments. The purpose of the committee is to verify the extent to which the completed works comply with the provisions of the building permit and the approved designs.

The importance of forming this committee lies in the fact that the conformity procedure is not limited to a purely formal review of documents. Instead, it requires a visit to the site to inspect the completed works and compare them with what has been authorised, particularly with regard to the building's location, dimensions, intended use and façades.

At this stage, the head of the municipal people's council plays a key role since the declaration of completion of the works is filed at their level. They are also responsible for summoning the committee and notifying the beneficiary of the date of the inspection. This confirms his position within the ex post oversight framework without implying that he conducts the inspection personally or substitutes for the other committee members²⁰.

Second: conducting the inspection and drafting the conformity report.

The inspection process involves visiting the construction site to verify the extent to which the completed works comply with the building permit and approved designs. After the inspection, a roll call and conformity report (or a re-inspection report, depending on the situation as determined by the regulations) is prepared.

This report forms the basis on which the competent authority determines the building's legal status, whether establishing conformity or identifying cases of non-conformity requiring correction and the adoption of appropriate legal measures.

Regarding investment projects under the jurisdiction of the Algerian Agency for the Promotion of Investment, Executive Decree No. 26-158 stipulates that the inspection report must be signed by

¹⁸- Article 66 of Executive Decree No. 15-19.

¹⁹- Article 7 of Executive Decree No. 26-158.

²⁰- Articles 66 and 67 of Executive Decree No. 15-19.

authorised representatives of the relevant single window. Meanwhile, the relevant single windows complete the procedures arising from the inspection results²¹.

The conformity inspection is therefore a decisive stage in ex post oversight because it enables the administration to transition from monitoring works during execution to assessing the final construction outcome. It also verifies whether the project owner has complied with the permit obtained. This justifies its direct link to the procedure for issuing the certificate of conformity.

Third Branch: Issuance of the Certificate of Conformity and Its Effects

Once the field inspection has been carried out and the roll-call and conformity report have been prepared, the report is submitted to the relevant authority. The head of the municipal people's council plays a key role at this stage, as they are responsible for issuing the certificate of conformity in cases that fall within their jurisdiction. This is based on the conclusions of the inspection procedure and the committee's report. Article 68 of Executive Decree No. 15-19 sets out the subsequent procedures in the event of conformity or non-conformity.

First: issuance of the certificate of conformity in the case of conforming works

If the roll-call and inspection report show that the completed works were carried out in accordance with the approved designs and the provisions of the building permit, the competent authority will issue the certificate of conformity to the beneficiary.

Where the head of the municipal people's council is the competent authority, the certificate is issued on the basis of the committee's report, sent to them via the committee representative. This must be done within eight days of the date of the inspection²².

The certificate of conformity plays an important role in urban planning oversight. It not only confirms the completion of the works, but also that the constructed building complies with the provisions of the building permit with respect to the elements verified during the inspection process. It also permits the building to be used for its intended purpose, within the limits determined by law.

However, Executive Decree No. 26-158 establishes a significant exception for investment projects under the jurisdiction of the Algerian Agency for the Promotion of Investment²³. It stipulates that the decision relating to the issuance of the certificate of conformity is within the remit of the single window that granted the building permit relating to the project.

This rule is particularly important for the present study because it confirms that the head of the municipal people's council's ex post oversight competence is not absolute. Rather, it depends on the legal regime to which the project is subject, as well as the body entrusted by law and regulations with issuing the building permit and certificate of conformity.

Accordingly, issuance of the certificate of conformity represents the final stage of ex post oversight for construction found to be in conformity. At this stage, the administration transitions from monitoring and verifying the execution of works to formally recognising that the completed building complies with the legal and regulatory conditions on which the permit was granted.

Second: Refusal to Issue the Certificate of Conformity in the Case of Non-Conformity

If, through the roll-call and inspection process, it appears that the works were not carried out in accordance with the approved designs or the provisions of the building permit, the certificate of conformity is not issued immediately. Instead, the competent authority is notified that issuing it is

²¹- Article 7 of Executive Decree No. 26-158.

²²- Article 68 of Executive Decree No. 15-19.

²³- Article 7 of Executive Decree No. 26-158.

not possible. The beneficiary is then required to bring the building into conformity with the approved designs and with the applicable legal and regulatory provisions.

In this situation, the competent authority grants the beneficiary a period of no more than three (03) months to carry out the conformity procedures and to correct the state of the building.

After this period has expired, the competent authority issues the certificate of conformity, depending on the case, if the grounds for non-conformity have been removed. Otherwise, the certificate is refused and the established legal procedures are initiated, including possible judicial proceedings resulting from violations of the planning and urbanisation law provisions²⁴.

Furthermore, Executive Decree No. 26-158 regulates the procedure for responding to requests for a certificate of conformity. It stipulates that a reasoned response must be provided within fifteen (15) days. For investment projects under the jurisdiction of the Algerian Agency for the Promotion of Investment, it also establishes a special system for appealing decisions to the Higher National Commission for Investment Appeals²⁵.

Accordingly, ex post oversight does not merely entail establishing the existence of a violation. Rather, it creates an opportunity to correct the situation where possible or to take appropriate legal measures if the state of non-conformity persists.

Therefore, the certificate of conformity is the final legal outcome of ex post oversight when it is confirmed that the project owner has adhered to the building permit provisions. Conversely, identifying non-compliance has other legal and administrative consequences, which will be discussed in the second part of the study on the impact of ex post oversight by the head of the municipal people's council on construction and urbanisation.

Chapter Two: Legal Consequences Arising from Ex-Post Supervision of Construction and Development Works

Once the inspection and verification procedures have been completed by the chair of the municipal people's council and the authorised personnel, and breaches of the legislative and regulatory provisions relating to planning and development have been identified — particularly where construction work has been carried out without the necessary permits, or in a manner that is inconsistent with the granted permit — a set of legal consequences will arise. These consequences vary according to the nature and extent of the violation, and the authority competent to intervene.

The most significant consequences are reflected in reports that establish breaches and transmit them to the relevant authorities. Other consequences include issuing a decision to demolish constructions carried out without a permit, in cases specified by law, and executing judicial decisions relating to conformity or demolition.

Section One: Drafting Reports on the Inspection of Violations in Construction and Development

Inspection reports are one of the most important outcomes of ex-post supervision, as they provide the legal means to formally evidence violations identified during monitoring operations. The Algerian legislator has regulated the conditions for drawing up these reports, their content and the authorities to which they are submitted, thereby ensuring the documentation of the violation and the consequent legal consequences.

²⁴- Article 78 of Law No. 90-29.

²⁵- The last paragraph of Article 7 of Executive Decree No. 26-158.

First Branch: Forms of Inspection Reports and Their Requirements

The Algerian legislator has specified templates for inspection reports documenting breaches of legislative and regulatory provisions relating to planning and development. Article 16 of Executive Decree No. 06-55 provides for three main types of report:

- A report on the inspection of construction works commenced without a building permit;
- A report on construction works commenced and carried out in breach of the building permit provisions; and
- A report on construction works commenced without a building permit.
- A report on the inspection of demolition works commenced without a demolition permit.

It is noted that the legislator reserved these particular violations for specific, defined report forms in light of their nature and legal effects. In contrast, violations relating to subdivisions and residential compounds are regulated by special provisions, particularly Law No. 08-15, which sets out the rules for ensuring compliance with building regulations and completing construction projects. This law empowers authorised personnel to visit subdivision and residential compound work sites and review related technical documents. It also allows for the closure of unlawful work sites²⁶.

As to form and substance:

From a formal standpoint, the inspection report must be drawn up by a legally authorised officer and prepared in accordance with the specified forms and templates. These documents bear official seals and serial numbers and are recorded in the relevant register. This register is numbered and endorsed by the president of the relevant territorial court²⁷.

In terms of substance, the report must accurately detail the facts of the inspected violation, as well as the offender's statements to the authorised officer. The report must be signed by both the officer and the offender. If the offender refuses to sign, this must be recorded in the report. Such a refusal does not affect the report's validity or evidentiary/legal probative force²⁸.

It is particularly important to comply with these requirements, since the report is the official document that proves the violation and enables the competent administrative and judicial authorities to take legal action. The report's validity also requires compliance with the rules governing the officer's subject-matter and territorial competence. This is because the officer is empowered to investigate and inspect violations of the rules governing planning and development by virtue of the legislator's express conferral of authority²⁹.

Second Branch: Transmittal of Inspection Reports

The duty of the authorised officer does not end with drafting the inspection report. Rather, he is obliged by law to submit it to the relevant authorities within the time limits established by law so that they can take the necessary measures within their respective jurisdictions.

In the case of construction carried out without a permit, the authorised officer shall draft a report detailing the violation and submit it to the territorially competent municipal people's council president within seventy-two (72) hours.

Where it is established that construction does not comply with the granted building permit, the authorised officer shall draft an inspection report on the violation and transmit it to the competent

²⁶- Article 62 of Law No. 08-15.

²⁷- Article 15 of Executive Decree No. 06-55.

²⁸- Article 76 bis (2) of Law No. 90-29.

²⁹- Article 2 of Executive Decree No. 06-55.

judicial authority. They shall also send a copy of the report to the President of the Municipal People's Council and the relevant Wali (Governor) within 72 hours.

This distinction results in differences in the subsequent procedure. The president of the municipal people's council is authorised to issue a demolition order for construction carried out without a permit. In contrast, cases involving non-compliance with the permit are referred to the relevant judicial authority, which decides on the necessary action to be taken, whether relating to permit compliance or to full or partial demolition, according to the conditions and time limits set out in the law³⁰.

Section Two: Procedures and Effects Arising from Proof of the Violation

Upon establishing a violation of the rules governing planning and development, the competent authorities must intervene and take the measures specified by the legislator depending on the nature of the violation. The president of the municipal people's council plays a particularly significant role in cases of construction carried out without a permit, as well as in the implementation of judicial decisions relating to conformity or demolition.

First Branch: Issuance of a Demolition Decision for Construction Completed Without a Permit

The Algerian legislator has subjected construction carried out without a permit to a special legal regime. Specifically, upon inspecting this violation, the legally authorised officer must draft a report detailing the violation and submit it to the president of the relevant municipal people's council within seventy-two (72) hours.

Based on this report, the president of the relevant municipal people's council will issue a decision to demolish the construction within eight days of receiving the report. This is without prejudice to the criminal proceedings prescribed by law. If this deadline is missed, the relevant wali (governor) shall issue a demolition decision within thirty (30) days.

Demolition work is carried out by municipal departments. If these departments do not have the necessary means, the work is carried out using resources made available by the wali. The offender shall bear the costs of the demolition operation, which are collected by the president of the municipal people's council through legally prescribed methods.

This legal framework emphasises the significance of the role assigned to the president of the municipal people's council by the legislator in addressing unauthorised construction. Rather than merely receiving violation reports, the legislator granted the president the authority to issue demolition decisions within a specific time limit. This makes his intervention a direct consequence of ex-post supervision of construction works.

However, this authority does not extend to issuing an immediate administrative demolition decision where the construction does not comply with the granted building permit. In such cases, the legislator has entrusted the determination of the matter to the competent judicial authority, which may order compliance with the permit or partial or total demolition, in accordance with the law.

This distinction is legally significant because it shows that the President of the Municipal People's Council's power to issue a demolition decision is not general and applicable to all building violations, but is instead exercised only within the limits and circumstances expressly defined by the legislator.

³⁰- Article 76 bis (5) of Law No. 90-29.

Second Branch: Execution of Judicial Decisions Related to Conformity or Demolition

If it is established that the construction does not comply with the granted building permit, the authorised officer shall draft an inspection report documenting the violation and submit it to the competent judicial authority. A copy of the report shall also be sent to the president of the municipal people's council and the relevant wali (governor), within seventy-two (72) hours³¹.

The competent judicial authority shall take cognisance of the public action. Depending on the case, they may order the construction to be brought into compliance with the permit or order partial or total demolition within the time limit they set. If the offender does not comply with the judicial decision within the specified timeframe, the president of the municipal people's council or the relevant wali shall undertake the execution of the works ordered by the court at the offender's expense³².

In this situation, the president of the municipal people's council's role essentially involves executing what has been ruled by the competent judicial authority when the offender fails to comply with the decision issued regarding the construction. This confirms that ex-post supervision in the field of development and construction is based on a division of responsibilities between the monitoring body, the administration and the judiciary according to the nature of the violation and the resulting legal measures.

Conclusion

This study has concluded that the Algerian legislator established a comprehensive legal framework for ex-post supervision of construction and development works. Within this framework, he assigned a central role to the president of the municipal people's council; however, this role is not exercised independently or absolutely. Rather, it operates within a system of allocation of competences among the president of the municipal people's council, the legally authorized officers, the wali (governor), and the judicial authorities—depending on the nature of the violation and the stage at which intervention is required.

It was also demonstrated that the President of the Municipal People's Council is responsible for supervising construction sites, participating in the procedures for verifying compliance upon completion of works and issuing certificates of conformity for projects within his jurisdiction. Furthermore, they are authorised to issue a decision ordering the demolition of constructions completed without a permit. Conversely, situations involving construction that does not comply with the granted permit are subject to judicial intervention, with the administration executing the resulting decisions.

Additionally, the study revealed that the president's competence in this area is limited by the nature of the violation and the jurisdictional boundaries defined by law. The legally authorised officers play a key role in identifying violations, conducting inspections, and establishing them formally. Inspection reports and certificates of conformity are among the most important legal instruments with administrative and judicial implications.

Finally, it became clear that the effectiveness of ex-post supervision depends not only on the existence of legal texts and the variety of sanctions, but also on the clarity of competences, the speed

³¹- Article 76 bis (5) of Law No. 90-29.

³²- Guazati Yasmine: *Criminal Dispute Arising from Construction Without a Permit: Between the Law and Its Practical Application and Different Positions of the Supreme Court*, Dar Houma, Algeria, 2016, pp. 134–135.

of procedures, the efficiency of supervisory bodies and their ability to see violations through to the execution of the resulting legal effects.

Based on these findings, the study makes the following recommendations:

- Clarification and harmonisation of the legal provisions governing the competences of the various actors involved in urban supervision, to avoid overlap of jurisdictions and facilitate determination of legal responsibility for each procedure.
- Strengthening municipal development/planning departments with human and technical resources to enable them to carry out regular and effective field supervision.
- Establish a unified digital register for projects and worksites at the municipal level, linking building permits to monitoring operations, violation inspection reports, certificates of conformity, demolition decisions and judicial rulings. This will allow the continuous follow-up of the legal status of each building.
- Introducing an operational mechanism to track urban violations from identification to settlement, demolition or judicial execution, specifying responsibility and time limits for each stage.
- Enhancing coordination between the municipality, the wali (governor), technical departments and the judiciary to ensure violations are handled quickly and the resulting measures are executed swiftly.
- Continual updating of studies and practical applications in light of regulatory developments, particularly amendments affecting Executive Decree No. 15-19.

Achieving effective urban supervision therefore requires clear competencies, rapid intervention, efficient supervisory bodies and monitoring of violations from inspection to execution, to ensure the enforcement of legal rules and guarantee the protection of the urban system, public interest and the rights of project owners and third parties.

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- Executive Decree No. 09-156, dated 2 May 2009, sets out the conditions and procedures for appointing monitoring and investigation teams for establishing subdivisions and residential compounds, as well as for their operation. It was published in Official Gazette No. 27 on 6 May 2009.

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