

Law n° 2015-36 dated 15 September 2015, reorganizing competition and prices (1).

In the name of the People,
The People's representatives Assembly having adopted,
The President of the Republic promulgates the following law:

General provisions

Article one - The law herein aims at fixing the provisions ruling on free prices setting up the rules ruling on free competition in order to guarantee the general balance of the market, the economic efficiency and the well being of the consumer.

It fixes for this purpose the duties entrusted to the producers, tradesmen, service providers and intermediaries, and tends at ensuring transparency of prices, to stop the restrictive trade practices and prevents any anti-competitive practices including the practice and agreements created abroad and having damaging impact on the internal market.

It also aims at monitoring the economic concentration operations.

Title one

Free prices and competition

Chapter one

Free prices and competition

Art. 2 - The prices of goods, products and services are freely determined by the free competition process.

Art. 3 - Are excluded from the system of free prices mentioned above in article 2, the goods, the products and the first priority services related to different sectors or zones where competition through prices is limited, whether for a reason of a monopoly position or lasting difficulties of supplying the market, or under the effect of the legislative or regulatory provisions.

The list of these goods, product and services, as well as the conditions and methods to fix their input and output price, shall be fixed by Governmental decree.

Art. 4 - Notwithstanding the provisions of article 2 of the law herein, and in order to overcome excessive price increase or sinking prices, temporary measures driven by a situation of crisis or calamity, or by exceptional conditions or by an unordinary market situation in the determined sector, may be taken by order of the Minister in charge with Trade and which implementing period may not exceed six months.

(1) Preparatory works:

Discussion and adoption by the People's Representatives Assembly during its session held on 1st September 2015.

Chapter II

Competition and anti-competitive practices

Art. 5 - Are prohibited, the concerned actions, cartels and explicit or implicit collusions having an anti-competitive subject or effect, when it is about:

- 1- Undermining the operation of fixing the prices through free offer and demand,
- 2- Limiting the access to the market for other enterprises or free competition practice,
- 3- Limiting or controlling the production, the outlets, the investments or the technical progress,
- 4- Dividing the markets or the supplying sources.

Is also prohibited, the abusive exploitation of a dominant position on the internal market or a substantial party of the latter, or a state of economic dependency in which is involved a customer enterprise or supplier who does hold alternative solutions, for the marketing, the supply or the service provision.

The abusive exploitation of a dominant position or a state of economic dependence may notably consist in refusal to sell or purchase, in the relating sales and purchase, in the imposition of a minimum reselling price, in the imposition of selling discriminatory terms as well as the termination of commercial relations without just cause or for the only reason that the partner refuses to comply with the abusive commercial conditions.

Shall be automatically be void, any commitment, convention or contractual clause dealing with one of the practices prohibited according to paragraphs 1 and 2 of the article herein.

Is also prohibited, any price offer or price practice abusively low and likely to threaten the balance of an economic activity and competition loyalty on the market.

Art. 6 - Are exempted from the implementation of article 5 of the law herein, the agreements, practices and categories of contracts which authors justify that they are essential to ensure a technical or economic progress and that they provide to some users a fair share of the resulting benefit, on condition that they would not lead to the following:

- Imposing restrictions which are not necessary to reach the targeted objectives.
- Removing the competition entirely from the market for some reason or on a substantial part of this market.

This exemption is granted by a justified order from the Minister in charge with trade after opinion of the competition board and shall be published in the Official Gazette of the Republic of Tunisia.

The Minister in charge with trade may fix the exemption duration or may submit it to a periodic revision. He may withdraw the exemption in case of offence of the aforesaid granting conditions.

The procedures of delivering the exemption requests and its duration are fixed by Governmental decree on a proposal from the Minister in charge with trade after opinion of the competition board.

Art. 7 - In the sense of the law herein, shall be considered as an economic concentration, any action, whatever the nature is, whether it involves property transfer or the right to use all or part of the assets, rights or duties of an enterprise having as a purpose to allow an enterprise or a group of enterprises to practice directly or indirectly, on one or many other enterprises a determinant influence.

Every project or operation of economic concentration likely to create or strengthen a dominant position on the internal market or a substantial of this market shall be submitted to the agreement of the Minister in charge with trade.

The provisions of the previous paragraph are applicable to all enterprises concerned with the operation of economic concentration whether it is active or targeted, as well as to the related enterprises, and this in compliance with one of the following conditions:

- The average share of these gathered enterprises exceed during the last three years 30% of the sales, purchases or any other transactions on the internal market as for assets, products or substitutable services, or on a substantial part of this market,

- The global turnover reached by these enterprises on the internal market exceeds an amount determined by a Governmental decree.

The turnover achieved on the internal market by the concerned enterprises refers to the difference between the global turnover without added value tax of each of these enterprises and the recorded value of their direct exports or exports by proxy.

Subject to the provisions of the legislation on collective procedures, the Tribunals ruling on the affairs specific to enterprises facing economic difficulties may plan for the transfer of these enterprises to competitors, or ask for the technical point of view of the Minister in charge with trade in case the transfer leads to a concentration likely to create or strengthen a dominant position on the market.

The tribunals may take into consideration this opinion as long as it does not lead to the failure of the operation of transfer or rescue.

Art. 8 -The Minister in charge with trade may, if needed, take any conservatory measure, jointly with the Minister in charge with the concerned sector, in order to provide and establish the acceptable conditions for competition, and this, after examination made by the competition board which shall deliver its opinion within a deadline of three (3) days.

Art. 9 - The parties concerned with the concentration operation, shall inform the Minister in charge with trade within a deadline of fifteen (15) days, as from the

concluding date of the agreement, the fusion, the publishing of the purchase offer or exchange of rights and duties, or the acquisition of a controlling interest.

The notification may be enclosed with commitments intended to mitigate the impacts of the economic concentration on the competition.

The silence kept by the Minister in charge with trade during three months, as from its notification is equivalent to a tacit approval of the concentration project or the operation of concentration as well as the commitments laid down in the notification letter.

During this deadline, the enterprises concerned with the project or the operation of concentration may not take any measure that makes the concentration irreversible or modifying the situation of the market in a sustainable manner.

In case of notification to the Minister in charge with trade, about every project or operation of concentration, the parties are liable to present a duplicate file comprising the following:

- One copy of the act or the draft-act subject of notification and a notice on the expected consequences of this operation,

- The list of managers and main shareholders or associates of the enterprises subject of the act,

- The financial statements of the last three years of the concerned enterprises and the market shares of each interested company,

- The list of subsidiaries, by indicating the amount of the contribution to the capital as well as the list of enterprises economically linked to it according to the operation of concentration,

- One copy of the auditors' reports,

- A report on the economic advantages of the concentration project.

Provided that the submitted file comprises all the elements referred to above, the deadline provided for in paragraph 3 of the article herein starts from the delivery day of the acknowledgment of receipt.

If appropriate, the additional information may be required with a deadline suspension till their notification.

Art. 10 - After opinion of the competition board, the Minister in charge with trade may through a justified decision:

- Approve the operation of economic concentration within the conditions proposed by the concerned enterprises,

- Approve the operation of concentration by submitting to the concerned enterprises, the implementation of the conditions aiming at rebalancing the economic progress and the distortions of competition,

- Refuse the operation.

In all the cases provided for in the first paragraph, the decision or an extract of the decision is made public.

The Minister in charge with trade may withdraw his agreement in case the concerned enterprise does not comply

with the conditions and commitments that led to the agreement or if it is proven that the information that led to it is incorrect.

Chapter III

Competition board

Art.11 - It is established an authority called competition board that enjoys a legal personality and a financial autonomy and which budget is attached to the budget of the Minister in charge with trade.

The head office of the board is located in Tunis. The board may if necessary hold sessions in any other place of the territory of the Republic.

The competition board is invited to know the requests related to anti-competitive practices, as provided by article 5 of the law herein and to give its opinion on the examination requests.

The board is compulsory consulted on the draft legislative and regulatory texts aiming directly at imposing specific conditions for the practicing of an economic activity or a profession or at establishing restrictions likely to harm the access to a specific market.

The procedures and the methods of the compulsory consulting are fixed by Governmental decree.

The parliamentary commissions, the Minister in charge with trade and the authorities of sector-based regulation may consult the competition board regarding the relating issues within the scope of competition.

Professional and trade union organizations of legally established consumers and the chambers of commerce and industry may also require the opinion of the board regarding the competition issues in the sector falling within the scope of their domain. One copy of the consultation as well as the opinion of the relating competition board is compulsory communicated to the Minister in charge with trade.

The Minister in charge with trade shall submit every economic concentration project or any operation of economic concentration mentioned in article 7 of the law herein, to the competition board which shall issue its opinion within a deadline not exceeding sixty days, as from the date of receiving the opinion request.

After that period, and in case the board does not provide its opinion on the projects and operations of economic concentration mentioned in article 7 of the law herein, the Minister in charge with trade has full right to exert his prerogatives, as provided for in article 10 of the law herein.

Art.12 - The competition board would prefer if the project of economic concentration or the operation of economic concentration brings to the technical or economic progress an adequate contribution in order to compensate the distortions of competition.

It shall take into consideration during the assessment of the project of economic concentration or the operation of economic concentration, the need to the reinforcement and preservation of competitiveness of national enterprises in meeting the challenge of international competition.

Art.13 - The competition board is composed of (15) members as follows:

1- A president exerting his full-time functions, appointed among the magistrates or personalities having a competence in economic, competition or consumption field and experiencing at least 20 years of seniority.

2- Two vice-presidents:

An advisor to the Administrative Court having a seniority of at least 10 years as a vice-president exerting his full-time functions.

An advisor within the court of auditors having a seniority of at least ten years as a second vice-president exerting his full-time functions,

3- Four (4) magistrates from the judicial order of the second grade and having an experience of at least five years in commercial disputes.

4- Four personalities chosen for their competence in the following fields:

- Economy,
- Law,
- Competition,
- Consumption.

5- Four personalities having exerted or exerting in the following sectors:

- The sector of industry and trade,
- The sector of services,
- The sector of agriculture,
- The field of consumer protection.

The members of the board mentioned in paragraphs 1, 2 and 3 are appointed for duration of nonrenewable five years, and the members of the board mentioned in paragraphs 4 and 5 are appointed for duration of nonrenewable four years, by Governmental decree and on proposal from the Minister in charge with trade.

The remuneration system of the president of the board and his two vice-presidents shall be fixed by Governmental decree on a proposal from the Minister in charge with trade.

Before exerting their duties, the members of the board have to take the following oath:

“I swear by God, to faithfully, diligently and impartially perform my duties, to keep strict neutrality and to preserve the secrecy of the deliberations”.

The oath is taken before the plenary assembly of the board and report shall be drawn-up for this purpose.

The members of the board shall proceed to the declaration of their assets in accordance with the legislation in force.

The members shall also inform the President of the board of each risk of potential conflict of interest with a view to take the necessary arrangements.

Art. 14 - The methods of administrative and financial organization as well as the operating methods of the competition board are fixed by Governmental decree on a proposal from the Minister in charge with trade.

The competition board establishes its internal regulations.

The competition board is compulsory liable to draw-up a report on its annual activity that shall be delivered to the president of the Assembly of the People's Representatives and to the Head of the Government.

The board may introduce in this report the suggestions that help improving the competitive functioning of the markets.

In partnership with the relevant departments of the Ministry in charge with trade, the board proceeds to the following:

The elaboration of a data base of the markets as well as the information gathered by the board in the context of the inquiries and investigations and likely to be exchanged with the rest of the State services,

- The implementation of the programs and plans specific to sensitization and promotion of the competition culture.

The competition board proceeds to the publishing of its decisions and opinions on its own website.

Art. 15 - The requests are referred to the competition board by:

- The Minister in charge with trade or any individual with proper delegated authority for this purpose,
- The economic enterprises,
- The professional and trade union organizations,
- The legally established consumer organizations,
- The chambers of commerce and industry,
- The regulatory authorities,
- The local collectivities,

The competition board may, upon a report from the general reporter and after having required the written notices of the Government commissioner, assume jurisdiction *de officio* in cases of anti-competitive market practices. The president of the board shall inform the Minister in charge with trade and, if necessary, the regulatory authorities concerned with this own-initiative investigation. The Minister in charge with trade shall inform the board about the inquiries underway by the departments of the Ministry.

The competition board shall also ask for the technical opinion of the regulatory authorities during the examination of the requests related to the sectors within their respective jurisdiction.

The relating actions are registered into anti-competitive actions at the expiry of five years after the committee practice date.

The requests are submitted to the president of the competition board through a registered letter with an acknowledgement of receipt or directly by depositing it within the permanent secretariat of the board with discharge, and this, whether by the concerned person or through counsel.

The request shall comprise the preliminary evidence points and shall be delivered in four copies written in Arabic and enclosed with an official translation; otherwise the concerned person will be invited to rectify the procedure.

The permanent secretariat of the board transfers one copy of every received request except for those introduced by the Ministry itself, to the Minister in charge with trade.

In case of emergency, the competition board may, within a deadline of thirty days, and after having heard the parties and commissioner of the government, order the necessary conservatory measures and likely to avoid an irreparable imminent prejudice which can harm the general economic interest or the concerned sectors or the interest of the consumer or that of one of the parties,, and this, till it decides upon the underlying dispute.

The requests of temporary conservatory measures are accepted only within the scope of an action in the dispute deposited before hand.

Art .16 - A permanent secretary is appointed within the competition board, by Governmental decree among the officials belonging to category "A".

The permanent secretary is notably in charge with the registration of requests, the preservation of files and documents, the drawing-up of reports specific to the sessions and the deposit of deliberations and decisions of the board. In addition, it provides any other function entrusted by the president of the board.

Art. 17 - A general reporter and reporters are appointed within the competition board by Governmental decree among magistrates, as provided for in article 13 of the law herein and among the officials belonging to category "A".

The general reporter provides the coordination, the follow-up, the monitoring and the supervision of the reporters' works, as well as any other duty entrusted by the president of the board.

The president of the board may appoint contractual reporters designated on the basis of their expertise and competence within the scope of competition and consumption in a specific market.

The reporter proceeds to the instruction of the requests entrusted by the president of the board.

For this purpose, he shall check the documents filled in the file and may claim for all complementary points necessary for the investigation, from the concerned natural persons and legal entities under the confidentiality of the president of the board.

He may proceed, within the legal conditions and after approval from the president of the board, to the any inquiry or investigation on the spot. He may also obtain any document that he considers necessary for the instruction of the file.

The reporter may ask, under the confidentiality of the president of the board that inquiries and valuation reports shall be carried out notably by the administrative agents in charge with economic or technical control.

During the prosecution of cases under their supervision, the non-contractual reporters dispose of the same prerogatives provided for in article 67 of the law herein. A professional card is granted for this purpose.

The reporters give an oath within the same conditions provided for in article 13 of the law herein.

The council's reporters proceed to the declaration of their assets in accordance with the legislation in force.

Art.18 - A government commissioner is appointed within the competition board, by Governmental decree on a proposal from the Minister in charge with trade, having as a mission to defend general interest in the cases related to anti-competitive practices provided for by article 5 of the law herein and to present the observations of the administration before the board.

He may also as a representative of the Minister in charge with trade, present comments and replies over these practices and intervene in the relating disputes within the Administrative Court, and this, notwithstanding the provisions of article one of law n°88-13 dated 7 March 1988, related to the representation of the State and public establishments having an administrative nature and enterprises under the supervision of the State within the courts.

The comments and replies of the other parties are submitted to the government commissioner at the headquarters of the Ministry of Trade.

Art. 19 - After investigating the case, the reporter draws-up a report specific to each case in which he shall mention his observations. This report shall be transferred by the president of the court, through a registered letter with acknowledgement of receipt, to the parties which are bound, within a deadline of two months, to deliver in writing whether in person or by a lawyer, the means of defense that they consider necessary.

The president of the board transfers also a copy of the report to the government commissioner who shall submit his observations to the administration within the same deadline mentioned in the previous paragraph.

In respect of the provisions of article 24 of the law herein, the parties and the government commissioner have full right to have access to the documents of the file.

Art. 20 - The competition board sessions are not public; the files are submitted to the board according to their turn prepared by the permanent secretary and order of the president of the board.

The board proceeds to the hearing of the parties concerned, duly summoned and who can be represented by their legal counsels. The board hears as well the government commissioner and every person likely to contribute to give information on the case.

The lawyer may submit his pleading even in the absence of the parties concerned.

The board shall act by majority of votes and the verdict must be delivered in public. In the event of a tied vote, the president has the casting vote.

Each member of the board shall be entitled to one vote.

Art.12 - Shall be established, within the competition board one or many sections which chairmanship is provided by the president of the board or one of his two chairpersons.

Each section is composed of one chairman and four members among whom there is at least one magistrate.

Each section shall render its decisions on the cases transmitted by the president of the board by majority of votes and in open court.

In case of impediment, the president may be replaced by the president of another section and this, if need be, by a member of his section by appointment of the president of the board. The members of one section may be also replaced by members of another section.

At the beginning of each judicial year, the president of the board fixes the composition of each section and appoints its members.

The Minister in charge with trade may, upon a report from the president of the board, propose the replacement of every member of the board who did not participate in three consecutive sessions within valid reason.

No member can deliberate in a case, if he is under a prohibition in the sense of article 248 of the civil and commercial procedure code.

Every concerned party may recuse any member of the board through a written demand submitted to the President of the board who conclusively determines the issue within a deadline of five years after hearing both parties.

In case of rejection from the president, the issue should be settled by the Minister in charge with trade.

Art. 22 - The plenary assembly of the competition board meets requests for opinions delivered to the board.

The competition board may validly deliberate in plenary session only if a least half of its members among which at least four magistrates are present.

Nevertheless in the case of urgent consultative demands or those transferred to the board during a judicial break and after having informed all the members within a deadline of ten (10) days, the plenary assembly can make decisions in presence of the third of the members among whom at least two (2) magistrates.

Art.23 - The general reporter, the reporter and the permanent secretary or his/her representative shall attend the competition board sessions.

The general reporter and the reporter attend the deliberation session without voting rights.

Art.24 - The parties in dispute or their representatives have the right to obtain copies of the documents or to be acquainted with it in order to exercise their right within the judicial and official institutions.

The president of the competition board may reject the communication of documents that may affect the confidentiality of the cases. In this case the parties or their representatives may be informed about a non-confidential version and a summary of the documents in question.

Art.25 - If he mentioned facts do not comply with the competence of the board or which are not supported with evidence, the competition board declares the request inadmissible.

In case the request is admissible, the decisions made by the competition board shall compulsory comprise:

- The recognition of the non-practical or objectionable material submitted to its examination,

- The condemnation, if necessary, of the perpetrators to the provisions provided for in article 43 of the law herein.

Art.26 - The competition board may after hearing the government commissioner, in the cases provided for in the article herein, grant a total exemption from the sanction or its reduction for any complicit parties involved in a consent or an anti-competitive agreement.

The total exemption of the sanction is granted to the first party who can provide the following:

- The information which the administration or the competition board did retain previously and that this information enables to proceed with an inquiry on the offensiveness to the competition within a specific market.

- Or decisive elements of proofs allowing the administration or the competition board to establish a concrete anti-competitive practice which they used to know before without being able to prove it.

The partial exemption from the sanction shall be granted to every person who:

- Provides elements of proof which bring clear added value in comparison to the elements of proof that the administration or the competition board already hold,

- Or does not object, unequivocally, the existence and the content of the practices which he/she alleged to,

- Or who takes the initiative to implement these measures which lead to the restoring of the competition on the market.

In order to determine the level of reduction of the sanctions, the competition board will take into consideration the rank and the date during which the request has been submitted as well as the measure in which the provided elements consists a significant added value.

The procedures to present the requests for total exemption from the sanction or its reduction are fixed by Governmental decree on a proposal from the Minister charged of trade.

Art.27 - The competition board may, if necessary:

- Issue injunctions to the concerned operators in order to put an end to anti-competitive practices within a fixed deadline, or impose specific conditions in the exercise of their activity.

- Pronounce the provisional closure of incriminated establishment(s), for a duration not exceeding three (3) months. However, the reopening of the aforesaid establishments may happen only they had put an end to the practice subject of their condemnation.

- Transfer the file to the prosecution service in order to initiate criminal proceedings.

The competition board may, in case of abusive exploitation of a dominant position resulting from corporate concentration, suggest to the Minister in charge with trade to direct jointly, if necessary, with the Minister ruling on the sector in question, by a justified decision to the enterprise

or the group of enterprises concerned, or modify or to complete or to reign, all agreements and all acts by which the corporate concentration took place and which encouraged the abuse, and this, notwithstanding the implementation of the procedures provided for in articles 7 and 9 of the law herein.

The competition board may order the publishing of these decisions or an extract in the chosen newspaper, and this, at the expenses of the offender.

Art.28 - The competition board shall notify its decisions to the parties concerned by any means that leave a written record.

The notice of these decisions shall be done by a bailiff.

The decisions rendered by the competition board are subject to an appeal before the Administrative Court in accordance with law n° 72-40 dated 1st June 1972, related to the Administrative Court.

The Court in charge with these appeals shall deliver its judgments within a deadline not exceeding one (1) year as from the date of filing the appeal.

The competition board may, if need be, order the provisional implementation of these decisions.

The president of the competition board or, if necessary, one of its vice-chairperson, gives an executory nature to the decisions of the board which are not subject anymore to appeals or those accompanied with the provisional implementation, in accordance with the provisions of the civil and commercial procedure code.

Title II

Transparency of prices and restrictive practices

Chapter one

Duties towards consumers

Art.29 - A retailer or a service provider should by marking, labelling, display or any other appropriate process, inform the consumer about the prices, conditions and methods specific to the sale.

The shown price is a national currency price in cash, inclusive of all taxes.

The retailer or the service provider is liable to deliver the invoice to every consumer who requests it. The invoice is compulsory delivered for the purchases carried out in some sectors or which amount exceeds the threshold fixed for the other sectors. The list of sectors and the threshold of the amount are fixed by order of the Minister in charge with trade. Every invoice shall comprise the compulsory statements provided for in article 33 of the law herein.

In the retail sale establishments, the prices of goods, foodstuffs and the unit of measurement shall be referred to legibly with accurate designation, on the product or goods, whether on its packaging or containing.

However, in the market halls and street vending, where the indication of prices on the goods may represent some difficulties, consequently, a general display of prices regarding the indications mentioned above shall be sufficiently apparent to the public.

In addition, the prices charged in hotels, lodgings, restaurants, cafés and associated establishments, shall be displayed to the public. Furthermore, concerning hotels and lodgings, the prices shall be displayed in the chambers and apartments.

The displaying means of prices are fixed, if necessary, for each business sector by order of the Minister in charge with trade.

Art.30 - Is prohibited, any sale or an offer to sell products or goods as well as any service or offer to provide services for consumers and allocating without consideration, either immediately or in the future, a premium consisting in products, goods or service, unless they are identical to those subject of the sale.

These provisions are not applicable neither to low value products nor to samples or products intended specifically for advertisement and holding the trade mark, as well as to the low value service. The maximum value of these products or services may not exceed an amount fixed by order of the Minister in charge with trade.

Art.31 - It is prohibited to refuse selling goods or product for a consumer or to refuse providing a service as long as his/her demands are normal or the products and services, subject of these demands, are not submitted to a specific regulation.

It is also prohibited to submit the sale to the purchase of an imposed quantity or to the concomitant purchase of another good, product or service or to incorporate a service in the name of another one or to the purchase of an asset or a product.

Art.32 - In case of fiscal or indirect tax reduce decided by the State and affecting the structure of prices, the producers and traders shall pass these reductions on their selling prices.

In case of price reduce made by the producer or the wholesaler exceptionally or temporarily during campaigns, the final consumer shall benefit from this reduction regardless of the prices system of the product.

Chapter II

Obligations towards professionals

Art.33 - Every sale of a product or a service for a professional activity shall be subject of an invoicing. The seller is bound to deliver the invoice as from the completion of the sale or the service provision and the purchaser shall claim.

Subject to the legislation in force, any goods subject of the commercial transaction, shall be, during its transport accompanied with an invoice or a delivery note. Farmers, fishermen, craftsmen and natural person are not submitted to this obligation.

The invoice shall be written in duplicate. The seller and the purchaser shall keep it for a minimum period of three (3) years.

The invoice shall comprise an uninterrupted number, and shall mention the name and the address of the parties as well as their tax registration number, the delivery date of goods or the achievement of the service provision, the

quantity, the precise name and the unit price without value added tax of the sold products or the provided services, the payment means and deadlines, as well as the rates and the amounts of the aforesaid tax and if necessary, the granted reductions.

Art.34 - Is prohibited, in the stage of distribution, any resale operation below cost or a resale offer of a product as is, at a price less than its effective purchase price.

In the sense of the law herein, shall be considered as effective purchase, the unit price mentioned in the invoice deduced from every commercial discount listed on the invoice, as well as the discounts linked to turnover plus taxes and duties to which is submitted the product during the sale and, if need be, the transport fees.

Is also prohibited, any advertisement related to the resale at low cost, a mentioned in paragraph 1 of the article herein.

The Minister in charge with trade may, by a decision, resort to conservatory measures to suspend the advertising for a period of one (1) month.

Upon a request from the Minister in charge with trade or from the public prosecutor, the president of the relevant court may order the halt to advertising.

The prohibition mentioned in the article herein is not applicable to the following:

1) Perishable goods exposed at a rapid deterioration,

2) Voluntary or forced sale justified by the ending or changing of a commercial activity or carried out by the enforcement of judicial sentences,

3) Products which resupply in significant quantity has been made or can be made in decline, the effective purchase price being replaced by the price resulting from the new purchase invoice or by the resupply value,

4) Regulatory balances at the end of the season,

5) Rossignols.

Art.35 - Every producer, wholesaler, importer or service provider is liable to hold his price index and his general sale conditions which include the retail prices of products and services, the unit prices and the taxes, the conditions and he regulation deadlines as well as rebates and discounts of all category and to communicate them to professionals claiming for it.

This communication is carried out by all means that comply with the practices of the profession. However, when the request is made in writing, the communication shall be done in the same format.

The commercial cooperation services provided by the retailer or the service provider to the supplier shall be subject of a written contract, drawn-up in duplicates and held by both parties, comprising mainly the conditions related to the premium or advantages granted against these services.

Art.36 - It is prohibited to fix directly or indirectly a minimum resale price or a minimum profit margin of a product, goods or a service provision.

Art. 37 - It is prohibited for every trader, either industrial or craftsman, as well as to every service provider:

1) To refuse serving, depending on the availability and within the conditions that comply with commercial practices, the needs of purchasing products or the demands of service provision, for a commercial activity, when he aforesaid demands do not show any anomaly and emanate from bona fide seekers and when the sale of products or the provision of services is not prohibited by a law or a regulation of the public authority.

2) To practice towards an economic partner or to obtain from him prices, payment deadlines, conditions or discriminatory sale or purchase methods and which are not justified by concrete counterparts, by creating from this fact, for this partner, a disadvantage or an advantage in the competition.

3) To make the sale of one product or the provision of a service conditional on the purchase concomitant with other products, on the purchase of an imposed quantity, or on the provision of another service,

4) To offer for sale, to sell or to purchase in order to sell products, goods or assets which origin is unknown. The aforesaid products, assets or goods are seized in accordance with the provisions of article 56 of the law herein. The Minister in charge with trade may order the closure for a maximum period of one (1) month, of the establishment(s) subject of offence.

5) To obtain or to try to obtain, from a commercial partner, an advantage not justified by an effective commercial service or not corresponding with the real value of the provided service. This advantage may consist in the contribution to the funding of marketing initiatives operations or an investment in the equipment of commercial premises, and this, without the existence of a common interest.

Title III

Specific provisions related to goods, products and services not subject to the freedom of pricing system

Art. 38 - The sale in the stage of production or distribution of goods, products or services mentioned in article 3 of the law herein can be carried out only within the conditions provided for by the regulation in force.

Art .39 - Is considered as illicit price increase, any increase in the prices of goods, products and services mentioned in article 3 of the law herein, and resulting from a modification of one selling conditions hereafter:

1) The sale of non-packaged goods at the same price as the one usually applied during its carton sale,

2) The sale of goods leaving the factory, at the railway station or at the departure wharf, at the same price usually applicable to the sale of these goods, delivered to the customer who does not pay the carriage,

3) The application of a price supplement while selling goods for services or supplies-accessories if these ones have been previously included in the principal selling price.

Art. 40 - Are considered illicit price practices:

1) Any sale of product, any service provision, any offer or proposition of sale of product or service made at a price higher than the price fixed in accordance with the regulation in force.

2) Keeping in the same price, of goods or services which quality, quantity, weight dimension or useful volume has been reduced.

3) The sales or purchases and offers to buy or sell comprising, in any form, an additional hidden service.

4) The service provisions, the offers of providing services, the demands of providing services, comprising, in any form, a hidden remuneration,

5) The sales or purchases and offers to sell or buy among professionals and including the delivery of products inferior in terms of quality or quantity, invoiced or intended to be invoiced. However, when the purchaser makes a complaint against the vendor, the administration cannot, for the same reason, take legal action against the vendor,

6) The sales by wholesalers at retail prices, of a quantity of goods corresponding usually to wholesale sales.

Art. 41 - Regardless of the provisions of title II of the law herein, shall be assimilated to the illicit price practice in the sense of the title herein, the fact, for every trader, industrial, craftsman or service provider, of:

1) Offering for selling a product that was not subject of a decision for fixing the prices, in accordance with the regulation in force,

2) Hiding goods in any warehouse which store is not supplied,

3) Not presenting, at the first demand of the agents in charge with recording offences as for economy, original in voices or copies,

Art. 42 - Shall be considered as offence of the regulation specific to subsidized product, any operation carried out by a trader or industrial or craftsman or service provider and consisting in the following:

1) Holding in sites of storage or production of subsidized products, other in authorized cases,

2) Using subsidized products for purpose other those intended for or using methods contrary to the decisions of the relevant authorities in the area.

3) Marketing subsidized products and their by-products through methods contrary to the decisions of the relevant authority in the area,

4) Obtaining the subsidy improperly.

The Minister in charge with trade or if need be, the Minister who is sectorally competent may by order fix the conditions for using, distributing or marketing subsidized products.

Offences and sanctions**Offences related to restrictive practices and to the price transparency and their sanctions***Chapter one***Offences related to anti-competitive practices and their sanctions**

Art. 43 - Notwithstanding the sanctions pronounced by courts, the operators having neglected one of the prohibitions enacted in article 5 of the law herein are sanctioned, by a monetary penalty inflicted by the competition board established under article 11 of the law herein. The amount of the aforesaid penalty may not exceed 10% of the turnover reached in Tunisia by the operator in question during the last fiscal year.

Is sanctioned by the same penalty, every offender to the provisions of articles 7, 8, 9 and 10 of the law herein, to the decisions made in accordance with their provisions and commitments.

In case the offender to the provisions of article 5 is a legal entity or an organization which do not hold its own turnover, the monetary penalty varies between 2000 dinars and 100.000 dinars, and this, without prejudice to the sanctions which can be inflicted individually to its offending member.

Is also inflicted, by the same penalty provided for by paragraphs 1 and 3 of the article herein every person who does not respect the implementation of the provisional measures or the injunctions provided for in articles 15 and 27 of the law herein as well as every failure to honor commitments according to which an exemption has been made in accordance with the provisions of article 6 of the law herein.

Art. 44 - The Minister in charge with trade shall proceed to the collaboration with the relevant departments while taking measures necessary for the follow-up of implementing the decisions made by the competition board provided against offenders and related to the addressed injunctions to halt anti-competitive practices, for the provisional closing of incriminated establishments as well as for the payment of the penalties due.

A copy of the decisions of the completion board shall be delivered to the Minister in charge with trade.

Art. 45 - Subject to the provisions of article 6 of the law herein and after completion of the procedure provided for in paragraph 3 of article 27 of the law herein, is punished of imprisonment from 16 days up to one year and a fine between 2.000 and 100.000 dinars or only one of these two penalties, every natural person who, through devious means, contributed decisively to the violation of the prohibitions mentioned above in article 5 of the law herein.

The court may however, order that its decision must be fully published or in extracts in the chosen newspapers, at the charge of the condemned. It may also order that the conditions determined in article 51 of the law herein, the displaying and/or the publicity of its decision through any other mean.

Art. 46 - Are liable to a fine from 50 dinars to 2.000 dinars:

- Lack of publicity or insufficient publicity of prices, lack of invoice production or delivery to the consumer or a delivery of an illegal invoice to the consumer, as well as the breach of these conditions of selling price with premium, as provided for in articles 29 and 30 of the law herein.

- The lack of drawing-up, rejecting or delivering illegal invoices or the absence of issuing or presenting a transport document for goods delivered after the first request, as provided for by article 33 of the law herein.

- The fact of non-establishment and non-detention of the price list and general selling conditions or their non-communication, as provided for by article 35 of the law herein.

- The delivery note may replace the invoice till the submission of the latter within a determined deadline, if it comprises the indications provided for in article 33 of the law herein.

Art. 47 - Are liable to a fine from 200 dinars to 10.000 dinars, the refusal to sell, the tied selling as provided for in article 31 of the law herein.

Is also liable to the same fine, the non-repercussion of price reductions for the benefit of the consumer as provided for in article 32 of the law herein.

However the fine shall not be under the perceived amounts of reduction.

Art. 48 - The resale below cost, the offer to sell below cost, the advertisement to sell below cost, fixing a minimum price or a minimum resale profit margin, the fact of not holding or not submitting a written contract including the allocated premiums and advantages, the noncompliance with the price list and the general discriminatory resale conditions as well as the obtaining or the try to obtain a commercial advantage not corresponding with the value of the effectively provided commercial service, as respectively provided for by articles 34, 35, 36 and 37 of the law herein, are liable to a fine between 500 dinars and 30.000 dinars.

Art. 49 - Notwithstanding the sanctions provided for by the legislation in force, is punished with imprisonment of one (1) month and a fine between 1000 dinars and 100.000 dinars or one of these two penalties, anyone who:

- 1- Increased or reduced artificially or who tried to increase or to reduce the prices of products or services, by any means or who has proceeded to speculations to influence the normal level of prices,

- 2- Held stocks for resale or marketing, on a speculative basis without meeting the conditions of practicing trade as provided for by the legislation in force,

- 3- Concluded commercial transactions by using corrupt means, for instance the production of non-compliant or convenience invoices,

4- Detained products not belonging to the scope of his declared commercial activity,

5- Held, used or marketed products of unknown sources as provided for by paragraph 4 of article 37 of the law herein,

6-Hided goods having free price and abstained from suppling his customers, stores and public exhibition areas,

The products, the goods and assets subject of this offence are seized in accordance with the procedures provided for in article 56 of the law herein.

Chapter III

Offences as for fixing the prices related to products, goods and services which are not submitted to the freedom of prices system and their sanctions

Art .50 - In case of illicit price increase or illicit price practices, as referred to in articles 39, 40 and 41 of the law herein and without prejudice to the sentences pronounced by the courts, the Minister in charge with trade may order the closure for a maximum period of one (1) month of the establishment(s) subject of offence.

The Minister in charge with trade may also, in the cases provided for by article 42 of the law herein, decide the suspension or the revision of the quota of subsidized products or the revision of the subsidy scheme or the closing of warehouse(s) where the offence has been committed and this for a maximum period of one (1) month.

The Minister in charge with trade may in addition order the posting and publication in the chosen newspapers or the publication by any other mean, of the decision pronouncing the sanctions provided for in paragraphs 1 and 2 of the article herein.

Art. 51- The closure decision mentioned in article 50 above, shall be in large character displayed text on the main gates of factories, offices and workshops, at the storefronts and if necessary at the municipality seat or the offender address or the firm headquarters having been subject of the closing decision. The posting and publication fees are paid by the offender.

Section II

Legal sanctions

Art. 52 - Without prejudice to the other sanctions provided for by section I of the chapter herein, the illicit price increase and practices, as respectively provided for in articles 39, 40 and 41 of the law herein, as well as the encouragement to use prices not complying with the fixed prices or the fact of fixing prices by parties who are not entitled to, are punished of imprisonment between sixteen (16) days and three (3) months and are liable to a fine between 300 dinars and 30.000 dinars, or to one of these two penalties.

Any offence to the subsidy regulations as provided for by article 42 of the law herein is punished by imprisonment from one (1) month to one (1) year and liable to a fine between 2000 dinars and 100.000 dinars, or one of these two penalties.

Art. 53 - Are liable to a fine from 200 dinars to 20.000 dinars, the perpetrators of the following offences:

- Refusal of communication or concealment of documents mentioned in article 41 of the law herein,

-The communication of inaccurate or incomplete information in support of a request for fixing prices of products and services mentioned in article 3 of the law herein.

Art. 54 - Without prejudice to the other penalties provided for by the legislation in force, anyone who used or tried to use fraudulent acts in order to make illicit gains, through illicit increasing or illicit price practices, is liable to a fine from 500 dinars to 50.000 dinars.

Are considered fraudulent acts in the sense of the article herein:

- Falsification of accounting entries,

- Concealment of accounting documents or secretive accountancy,

- Production of false invoices,

- Remittance or collection of secret cash payments.

Art.55 - In case the offender is a legal entity, the penalties provided for above are personally inflicted and according to cases to the chairmen and the managing directors or managers and generally to every person having the quality to represent the legal entity. Accomplices are liable to the same penalty.

Art.56 - May be seized, products, foodstuffs and goods of all kind, having been subject of the offences mentioned in articles 39, 40, 41 and 42 of the law herein. The seizure is compulsory when these same offences have been committed in the conditions provided for in article 54 of the law herein.

The seizure of products and foodstuffs may be real or fictive depending on the dealing subjects, may or not be apprehended.

If the seizure is fictive, it shall be preceded to an estimation which amount may not be inferior to the earnings or the offered price, or the amount of the subsidy premium duly received.

The offender, if need be, the accomplice, are jointly responsible for the full payment of the fixed amounts.

When the seizure is real, the seized products may be left at the disposal of the offender, if he does not present them as they are; he is bound to pay the estimated value fixed in the minute. The grant of this power may be subject of providing all the guaranties considered adequate.

When the seized products have not been put at the disposal of the offender, the real seizure takes place with security on the spot chosen by the economic control agents.

In case the seizure deals with perishable products or if the necessities of supplying require it, the resale of the seized products may be immediately ordered by the Minister in charge with trade, without prior legal formalities.

The earnings of sale will be registered in the Treasury cash or the tax office until decision by the Minister in charge with trade or by the relevant court. In case of real seizure, both enforcement officers are bound to deliver a receipt to the offender, specifying notably the quality and nature of the seized products.

Art. 57 - The court pronounces the confiscation for the benefit of the State of all or parts of the assets, products and goods having been subject of the measures provided for in paragraph 1 of article 56 of the law herein, it must also pronounce the confiscation when these offences have been committed in the cases provided for in article 54 of the law herein.

In case of fictive seizure, the confiscation deals with all or part of the estimative value. It is the same for the real seizure. When the seized products have been left at the disposal of the offender and that this one does not present as they are, or if these products have been sold by implementing article 56 of the law herein, the confiscation shall deal with all or part of the selling price.

Failure to be claimed by their owner within a deadline of 3 months as from the date of final judgement, the products which are not confiscated and which have not been subject of security on the spot, are considered as property of the State. The assets confiscated or acquired by the State are remitted to the departments of the Ministry of State Properties which proceeds to their alienation within the conditions fixed by the legislation in force.

Art. 58 - The relevant court may order that the decision shall be published in full version or in extracts in the chosen newspapers and shall also be posted in bold characters in indicated spots, notably on the principal gates of factories or workshops of the condemned, and on the storefronts, all at the expense of the convicted person.

Art. 59 - The suspension, the concealment or the total or partial laceration of posters in accordance with the provisions of articles 51 and 58 of the law herein, operated willingly by the offender, at his instigation and his order, is punished by imprisonment of fifteen (15) days, and it will be proceeded one more time to a comprehensive implementation of the provisions related to posting at the expenses of the offender.

Art. 60 - The court may pronounce the provisional closure of stores, workshop and factories of the offender or prohibit, temporarily, the latter from exerting his activity. Very violation to the provisions of the closing decision or the prohibition to exert the activity is punished by imprisonment between sixteen (16) days and three months.

Art. 61 - In case of reoffending, the legal sanctions provided for by the chapters II and III of title IV of the law herein will be doubled.

Is considered as a recidivist, any offender who commits an offence before the expiry of a five-year deadline starting from his condemnation according to the provisions of the law herein.

Title V

Procedures of prosecution and transactions

Art. 62 - The infringements to the provisions of chapter I of title IV of the law herein are noticed by the inspectors of economic control in accordance with the specific status ruling on the economic control body.

This notice shall be done by inquiry reports based on an analytic study of the market as well as on the basis of a hearing trial or a written record of anti-competitive practices.

These reports are drawn-up according to the provisions of article 63 of the law herein.

Art. 63 - The infringements to the provisions of chapters II and III of title IV of the law herein are noticed by a report drawn-up by the following:

1) Two economic control agents in accordance with the specific status ruling on the economic control body, or by two commissioned and sworn agents belonging to the Ministry in charge with trade, and who have taken part personally and directly in the noticing of facts which constitute the offence, after their quality have been known and after having delivered their professional card.

2) The legal police officers

The original reports and a copy shall be directly submitted to the Minister in charge with trade.

Every report shall comprise the date of its establishment, its closure, the place, the subject, the enforcements officers, the noticing or the control operation, the offender's declarations or any person whose audition is considered useful as well as the identity of the offender or the present person during the noticing and hearing.

It is also necessary to mention in the report that the offender has been informed about the date and place of establishment of the aforesaid report, and that he received a written summons through a registered letter, except for the case of flagrante delicto.

The report shall include, if need be, that the person in question has been informed by the seizure procedure and that he has received a copy of the seizure report through a registered letter.

The offender or the person present during the noticing or hearing or his representative, is bound to sign the report. In case of impediment or refusal to sign, a mention shall be made in the report.

Art. 64 - The administrative departments and the regulation authorities are bound to inform the Minister in charge with trade and the competition board of all found evidence related to anti-competitive practices or economic concentration operations, as defined in articles 5 and 7 of the law herein.

Art. 65 - Subject to the provisions of article 73 of the law herein, the report meeting the conditions referred to in article 63 of the law herein, are transmitted by the Minister in charge with trade to the public prosecutor.

Art. 66 - The reports mentioned in article 63 of the law herein, are not submitted to the formalities of

mandatory registration in the achievement of their following duties:

1) To enter, during the usual opening or working hours, in the professional premises. They can also achieve their duties during the transport of goods,

2) To make necessary notices and investigations, to proceed to convocations to the offices, hearing declarations and testimonies of any one that the control agent considers helpful to evade the offence, by drawing-up a report. It may be issued, upon the first demand and without movement, the documents, the justifying documents books and files including immaterial ones, necessary for their research and notices or to receive a copy of the aforesaid documents.

3) To seize what is necessary from the documents mentioned in the previous paragraph or to receive copies of these documents, legalized and conform to the originals, for the establishment of the existence of offence or for the research of joint perpetrators or accomplices of the offender. In case of seizing original documents, a seizure report is drawn-up and a copy is delivered to the person in question.

4) To proceed if necessary to the seizure of goods, assets or products according to the procedures provided for by the provisions of the law herein.

5) To verify the identity of the persons present during the noticing or those apprehended or present to lodge their declarations or those summoned.

6) To take samples according to the regulatory conditions.

7) To proceed, within the regulatory conditions, to the visits as well as the seizure of documents in the private places shall be carried out in accordance with the provisions of the penal procedure code.

8) To consult and to obtain, without opposition from professional secrecy, all documents and information within the administrations, the public enterprises and the local collectivities, and this, after submitting a written request to the Minister in charge with trade, and subject to the respect of secrets and information protected by specific laws.

9) To introduce himself as a customer during the control operations in cases where the detection of an infringement is required.

The civil, security and military authorities, provide support, protection and any assistance requested, to the economic control agents during the achievement of their duties.

Art. 68 - In addition to the powers provided for in article 67 of the law herein, the economic control agents may, after getting an authorization from the territorially competent public prosecutor, proceed to the search outside working hours of all places and to the seizure of documents, information, electronic records, programs and software applications.

They may also affix the seals on all stores, documents and databases

The authorization of search shall comprise all the information dealing with operation and presumptions on the

existence of infringements to the law herein or the practices likely to prejudice the competition rules.

The search and seizure are made under the authority and supervision of the public prosecutor who has authorized the operation with the support of two judicial police officers specifically named for this purpose.

Every third party with an interest may submit a request to the public prosecutor for the restitution of materials and tools that he owns and which have been seized.

The inventory of the seized documents and the affixing of seals are made according to the provisions of the penal procedure code and in presence of the operator of premises or his representative. The seizure shall be subject of a seizure report. In case of absence of the operator of premises or his representative, the two judicial police officers choose persons present on the spot to attend these operations. Failure to that, a mention shall be included in the report, and a copy is submitted to the legal representative or sent by a registered letter.

Upon a request from the persons concerned or their legal representative and at their own expense, they may have copies of the seized documents.

The unnecessary documents specific to the investigation shall be delivered to their owners through a return report.

The seized documents remain at the disposal of the administration until the delivery of a judgment.

Art. 69 - Is punished with an imprisonment of six (6) months and a fine from 500 dinars to 10.000 dinars or only one of both penalties, anyone who opposes the performance of the duties of the agents in charge with noticing the offences provided for by the law herein.

Is liable to the same sanction provided for in paragraph 1, anyone who holds seized goods without authorization or who has opposed the administration from acquiring these goods for the market supply.

In case of verbal abuse or attempt of physical assault against the agents entitled to notice the offences provided for by the law herein during the performance of their duties or by virtue of their duties, the sanction consists in a fine varying between 500 dinars and 5.000 dinars.

In case of slight physical assault according to the provisions of article 319 of the penal code, the sanction consists in an imprisonment from 16 days to 1 month and a fine varying between 500 dinars and 20.000 dinars.

In case of physical assault in the cases which are not referred to in the previous paragraph, the sanction is an imprisonment from 6 months to 5 years and a fine varying between 1000 dinars and 20.000 dinars or one of both penalties.

Art. 70 - Officials, agents and everyone called for recognition of infringement proceedings are bound to keep professional secrecy and are submitted to the provisions of article 254 of the penal code.

Art. 71 - The infringements to the provisions of articles 39, 40, 41 and 42 of the law herein fall within the scope of the courts of first instance.

The relevant public Ministry or the investigating judge may ask for a motivated opinion from the relevant administration on specific issues.

The court may order an expertise if it considers that the opinion of the relevant administration is inadequately reasoned.

Art. 72 - Without prejudice to the provisions of article 73 of the law herein, the agents of economic control have the authority to represent the administration before the courts, without specific delegation, in contentious affairs falling within their department.

Art. 73 - Except for the infringements in the provisions of articles 5, 7, 8, 9, 10 and 69 of the law herein, and upon a request from the offender, the Minister in charge with trade, may before involving a public prosecution, or the court hearing the case, authorize the conclusion of a transaction, and this as long as a final judgement has not been pronounced.

During the period of implementing the transaction procedures and the period fixed for the implementation, the prescription deadlines of the public prosecution will be suspended. The achievement of the transaction involves the termination of the public prosecution and the stays of proceedings or the judgement or the enforcement of the penalty.

The transaction does not exclude the offender neither from complying with the obligations provided for by the law, nor from respecting his civil responsibility towards any damage caused or which will be caused to others from the offence.

The amount of the transaction may not be inferior to 50% of the administration requests in all cases; it may not be inferior to the level of the sanction provided for by the law herein.

The transaction should irrevocably link the parties and no further appeal shall be admitted for any reason whatsoever.

Art. 74 - The transaction shall be written and drawn-up in copies for each one of the interested parties; it shall also be signed by the offender and included his unambiguous confessions and his commitment to pay the transaction amount within a deadline of 30 days.

The transaction contracts are not submitted to the compulsory registration formalities of the contracts.

Art. 75 - The recovery of the amounts of fines or transactions shall be carried out according to the same methods and procedures as for the public liabilities.

The decisions of sanction and the transaction contracts are considered as a recovery supports of these liabilities.

Art. 76 - Without prejudice to the principle of reciprocity and within the framework of cooperation agreements, the competition board or the relevant departments of the Ministry in charge with trade may, within the limits of its competences and after notification of the Minister in charge with trade, proceed to the exchange with foreign counterpart institutions, experiences, information and documents dealing with the instruction of competition cases, and this, on condition to provide exchanged information confidentiality.

Title VI

Transitional and final provisions

Art. 77 - The members of the active competition board carry on their duties till the end of their mandate in accordance with the provisions of law n°91-64 dated 29 July 1991, related to competition and prices and all the amending and completing texts. Consequently they may not be subsequently proposed as a member of the competition board.

The provisions of paragraph 4 of article 28 of the law herein come into force as from 1st January 2017. The section of appeal of the administrative court are bound to remit their decisions on the pending cases regarding the resort to the appeals against decisions of the competition board during the promulgation of the law herein before the date of 31 December 2016.

Art. 78 - By the entry into force of the law herein, shall be repealed the provisions of law n° 91-64 dated 29 July 1991, related to competition and prices all amending and completing texts.

The implementing provisions of law n° 91-64 dated 29 July 1991, related to competition and prices and all amending and completing texts remain in force as long as a new text has not been enacted.

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

Tunis, 15 September 2015.

The President of the Republic

Mohamed Béji Caïd Essebsi