

THE LEGAL RECOGNITION THE IMPACT STATEMENT STUDY IN ALGERIAN LEGISLATION

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Abstract:

Economic development is among the goals that Algeria seeks through its endeavor to stimulate the economic sector through the establishment of projects, but in the context of preserving the environment by devoting the principle of studying the impact of facilities on the environment, and this is to create a balance between environmental protection and economic growth.

This study aims to show Algeria's adoption of an environmental policy within its legislation through the principle of impact study.

Key words: Impact statement Study-Algerian Legislation - Environment - Legal protection.

Introduction:

With the technological ,industrial advancements and urban expansion, the problem of environmental degradation has floated to the surface Therefore, the industrial progress of countries has become a threat to ecosystems.As the industrial growth of countries is today flourishing at the expense of the environment, This required the intervention of the international community in order to limit this expansion by holding international conferences seeking to activate these recommendations and directives to urge countries to adhere to the protection and preservation of the environment, in order to devote the right of present and future

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generations, as a dedication to the principles of the Rio de Janeiro¹ Declaration and the Stockholm Declaration². It also took into consideration the measures of value specified in each country and the possibility of applying the standards due to the disparity of capabilities between developed and developing countries³.

In fact, the environmental conferences' aim is to restrict member states to a set of rules that guarantee environmental protection, and in return to control industrial development which is safe for the environment, however, the alarm sounded by the United Nations Organization, because of global environmental degradation, therefore, this made Algeria among the countries that rushed to pass legislation concerning environmental protection, like the other organization's countries which ratified these international instruments related to environmental protection and endeavoring to limit its damage^(*), through controlling environmental pollution and resorting to legal approval to study the impact statement of the of projects and adopt it as a tool for protecting and preserving the environment, Thus, the Algerian environmental legislator had to enact Laws that are directly proportional to economic and technological development, urban expansion, in return, preserving environmental systems. As the serious level and what urban expansion, consumption and economic growth constitute from the rapid degradation of the environment through the emergence of environmental problems such as ; desertification and the extinction of some animal and plant species, in addition to the phenomenon of global warming, the ozone hole and

¹ - Principle 03 Rio de Janeiro Declaration 1992, United Nations Conference on Environment and Development Rio de Janeiro 03-14 / 06/1992, A / CONF.151 / 26 / Rev.1, Volume 1, United Nations 1993, p. 03.

²-Principle 2, "The natural resources of the earth including the air, water, land, flora and fauna and especially representative samples of natural ecosystems must be safeguarded for the benefit of present and future generations through careful planning or iminagement,for more information: see:

- Louis B. Sohn, the Stockholm declaration on the human environment, Harvard International Law Journal, (Vol. 14), 1973, p 456. Available on the site :

https://wedocs.unep.org/bitstream/handle/20.500.11822/28247/Stkhm_DcltnHE.pdf?sequence=1&isAllowed=y, Display by date: 23/11/2020.

³ - Principle 11 of the Rio de Janeiro Declaration 1992.

^(*)- Algeria ratified the Framework Convention on Climate Change and the Convention on Biological Diversity emanating from the 1992 Rio Conference, according to the two decrees:

-Presidential Decree No. 93-99 of 18 Shawwal 1413 corresponding to 10/04/1993, including the ratification of the United Nations Framework Convention on Climate Change approved by the General Assembly of the United Nations on 05/09/1992, Official Gazette Number 24, p. 04.

-Ordinance No. 95-03 of Shaaban 19, 1415 corresponding to 01/21/1995, containing approval of the Convention on Biological Diversity signed in Rio de Janeiro on 06/05/1992, Official Gazette No. 07. 05/09/1992, Official Gazette Number 24, p. 04.

other problems that originally threaten the continuity of **living in a healthy environment**¹ thus, this study raises the following problematic :

Are the provisions and measures laid down by the Algerian legislator to organize a brief study of the impact sufficient to ensure the protection of the legal environment? Or do you need other rules?

So as to study this topic, we have to rely on the analytical approach by analyzing legal texts and adopting the historical approach by studying the recognition's development of the impact statement study principle depending on the comparative approach in a part of the study.

To answer this problematic is by The Emergence Of The Idea Of Brief Impact Study (The First Topic) and then The Applications Of The Impact Statement Study Within The Framework Of Algerian Legislation (The s Topic) .

THE FIRST TOPIC:THE EMERGENCE OF THE IDEA OF BRIEF IMPACT STUDY

Environmental protection called for creating ideas that are compatible with their technical nature and are commensurate with the development of economic growth. Among the ideas that have become adopted at the international level, we find the principle of studying the impact of projects on the environment, which was codified within national legislation before it had an international extension, so preserving the environment from economic activities is among the priorities that adopted by nations to ensure the protection of the ecological environment in which we live and from its resources.which we will discuss through the following plan:

-First Requirement: The Emergence Of The Parameters Of The Principle Of A Brief Study.

-Second Requirement: Defining the Impact Statement Study Principle.

FIRST REQUIREMENT: THE EMERGENCE OF THE PARAMETERS OF THE PRINCIPLE OF A BRIEF STUDY

Countries rushed to protect the environment from polluting activities at the level of their domestic legislation by relying on studying the impact statement of activities that affect the environment, basing in this on new foundations for their protection and preservation within the limits of their sovereignty.

Firstly: The Emergence ofthe Principle inFrench Law.

Secondly: The Emergence ofthe Principle inAmerican Law.

¹ - Principle 01 and 02 of the Rio de Janroe Declaration 1992, adopted by the Algerian legislator in the 2016 constitution under Article 68: "Citizen has the right to a healthy environment ...".

Firstly: The emergence of the principle in French law

France which introduced a new approach trying to address a study impact of the unhealthy and inappropriate activities of factories and workshops.

This is according to the decree issued on 10/15/1810 to be adopted according to Article 02 of the Great Law No. 76-62910 of July 1976, the Official Gazette 07/13/1976, which was codified under the French Environmental Law under Article 1-122.L - Law **GRENELLE** - No. 788 of the year 2010 dated 07/12/2010¹ Official Gazette of 07/13/2010,

Secondly: The Emergence of the principle in American law

the American legislator also adopted the impact study principle within his legislation, as he followed the example of the idea of the French legislator of **1810**, where he called for it even before the emergence of environmental conferences, it was approved in the National Environmental Policy of America^(*) for the year **1969**, when the US Congress enacted the original model for environmental impact assessment procedures².

The US legislator presented this principle according to the text of Article **102** when it addressed protecting and preserving the environment by submitting reports or recommendations related to environmental quality. Relying on a detailed statement of the environmental impact, Furthermore, addressing the harmful environmental effects that cannot be avoided, and providing ways and alternatives for that³.

¹ -Eric naim-gesbert, the ecological impact study, legal review of the environment, volume 40, 2015/04, posted on Cairn.info on 12/31/2015,(vol. 40), 2015, p p 597-598. Available on the site : <https://www.cairn.info/revue-revue-juridique-de-lenvironnement-2015-4-page-597.htm> Display by date 08/10/2020, Time 20:25,

^(*) According to American law, the environmental impact assessment processes have been organized according to the law since 01/01/1970, which entered into force as the first environmental legislation in the United States of America. Among the objectives approved by this law is the necessity of adopting a national policy that works to find a balance between Environment and human beings, in addition to working to eliminate environmental damage while stimulating the well-being of life, for more information: see:

Eric naim-gesbert, op-cit, pp 597-598.

<https://www.cairn.info/revue-revue-juridique-de-l-environnement-2015-4-page-597.htm>

² - Tseming Yang, The Emergence Of The Environmental Impact Assessment Duty As A Global Legal Norm And General Principle Of Law, *hastings law journal*, (vol.70), 2019, p527 . Available on the site :<http://www.hastingslawjournal.org/wp-content/uploads/70.2-Yang-1.pdf> See it on the date 30/10/2020.

³ - Section 102:«((c)) include in every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment, a detailed statement by

The first countries which adopt the impact study principle between **1973** and **1974**, we find: Australia, Canada and New Zealand. However, Australia has passed a law related to the study of impact. Whereas for Canada and New Zealand, they have approved administrative procedures¹. Concerning international organizations, we find the United Nations among the first organizations which adopted impact studies such as the Environmental Convention, Impact Assessment in a Transboundary Context, the Espoo Convention (**1991**), the Protocol on Environmental Protection to the Antarctic Treaty (**1991**), the Convention on Biological Diversity (**1992**), the United Nations Framework Convention on Climate Change 1992², and other international conventions that rushed to legalize this principle in their texts.

SECOND REQUIREMENT:DEFINING THE IMPACT STATEMENT STUDY PRINCIPLE

Professor **Robert Percival** adopted the idea of the emergence of global environmental legal rules, including the environmental impact assessment, which is considered among the global standards, as the adoption of this idea by the international community has become a general principle of law, as it is included in the main sources of general international law. With The emergence of environmental impact assessment As a legal rule of a binding nature within the framework of public international law, it has become today as a general principle of public international law³.

-FirstlyJuristic definition.

-Secondly Legislative definition.

-Thirdly Technical Definition of the Impact statement Study.

Firstly:Juristic definition

the responsible official on (i) the environmental impact of the proposed action, (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented, (iii) alternatives to the proposed action,... », The National Environmental Policy Act of 1969, as amended, p 02. Available on the site: https://www.whitehouse.gov/sites/whitehouse.gov/files/ceq/NEPA_full_text.pdfSee it on the date 04/09/2020.

¹-Barry Sadler, Environmental Assessment In A Changing World Evaluating Practice To Improve Performance, International Study on the Effectiveness of Environmental Assessment,Canadian Environmental Assessment Agency, 1996, p30. Site see :

https://www.iaia.org/pdf/EIA/EAE/EAE_10F.PDFDisplay by date 09/09/2020.

²-Chapter4b,Environmental Impact of Projects, Higher Technical School of Industrial Engineering, barcelona, polytechnic university of catalonia, no year, p08.

Site see :<http://www.seyed.tech/EPC/theory/Chapter4b.pdf>Display by date: 22/11/2020.

³ - Tseming Yang, op.cit, p527.

Professor **William Kennedy** defined the impact study as follows: **“Environmental impact assessment is not only a science or just a procedure, but it is a science and art. In terms of being a science, it is a planning tool that works with the scientific method in order to know predictions, evaluate environmental impacts and participate in development processes. ... They are decision measures to ensure that the environmental analysis of events has an impact on the decision-making process¹”.**

Secondly:Legislative definition

The impact statement study is among the principles that we would like to dedicate at the international and national levels, as this principle has become enshrined in the form of measures aimed at protecting the environment.

1-Definition of the Algerian legislator

The Algerian legislator did not define the impact statement study, except that he created a set of legal texts that work to define the scope of application, content and methods of approving the impact statement study on the environment such as Executive Decree **07/145** and **07-144** and other texts, However, the legislator considers the impact study as a description of the project potential impact on the environment or the human being by providing alternatives to those negative effects² in return. Besides, an impact statement study aims to monitor the suitability of the project activity and the impact which reflects on the environment, whether directly or indirectly³.

2-Definition of the Moroccan legislator

The Moroccan legislator defined the term impact statement study and its field of application through the text of Article 01 of Law No. 12-03 where he provided a comprehensive definition to conduct it. He defined it as a prior procedure in order to reveal any potential impact of these projects on the environment, in addition to the adoption of preventive measures that limit the harmful residues in which they can be corrected, He also requires to obtain a license related to a project in which it is necessitated to prepare an impact statement study in order to protect the environment, especially on areas that are sensitive in nature, such as: Areas of

¹-Mohamed Ibrahim Ali Abdallah, The Impact of Environmental Assessment on Rationalizing Decision-Making in the Field of Environmental Protection from Pollution, p. 63, quoted by Mansour Majaji, studying the extent of the impact on the environment as a tool to protect it from the dangers of urban expansion in Algerian legislation, Journal of Research and Scientific Studies, (Vol. 03), No. 01, p. 03.

² - Article 16, Law 10-03 on environmental protection in the context of sustainable development.

³-Article 02, Executive Decree No. 07/145 of 05/19/2007, specifying the scope of application, content and modalities for approving the impact statement study on the environment, Official Gazette No. 34 dated 05/22/2007.

biological and ecological benefit, humid areas and other areas that fall within the framework of environmental protection, however, the text of Chapter Two dealt with the objectives and content of conducting the impact statement study¹.

3-Definition of French Legislator

The French legislator touched upon the impact statement study under the term “**Environmental assessment**”, considering it as the process of preparing an environmental impact assessment report, or what is called an impact study when establishing any institution², The report includes the effects that may result from the implementation of the environmental program through Defining, describing and evaluating them, taking into consideration the geographical scope. The report also takes into account the measures related to preventing negative impacts on the environment³.

The impact study is a procedure in which the impact report is prepared and whose acceptance is subject to the authority as it is the competent authority to decide whether to approve or agree with the program. It is subject to a systematic environmental assessment⁴.

Thirdly: Technical Definition of the Impact statement Study

The study of impact is a scientific experience that has been merged into the law, in other words, relying on scientific methods. However, science and law have become a common intermingling and their interconnection is in a special language⁵, It is an analytical study of the initial state of the site and its environment, including natural resources and natural agricultural, forestry or marine areas or entertainment, as well as the tangible assets and cultural heritage that may be negatively affected by the completed project⁶, in addition to the foregoing, it is considered a strategic action which is in the form of a systematic

¹-Article 01, Royal Decree No. 60-03-01, issued on Rabi` al-Awal 10, 1424 corresponding to 05/12/2003, implementing Law No. 12-03 on studies of impact on the environment, dated the Official Gazette No. 5118 dated 06/19.

²-Article L122-1 / 03: "Environmental assessment is a process consisting of the preparation, by the contracting authority, of an environmental impact assessment report, hereinafter referred to as" impact study ", ... framework of the consultations carried out and the contracting authority", French environmental law.

³- Article L122-06, French Environmental Code, Last modification : 07/31/2020
Edition : 08/08/2020.

⁴ - Article L122-04, French Environmental Code.

⁵ - Éric Naim-Gesbert, op.cit, p598. S.Site :

<https://www.cairn.info/revue-revue-juridique-de-lenvironnement-2015-4-page-597.htm>Display by date 08/10/2020.

⁶ - Article 03 (04-a), Decree n ° 77-1133, of September 21, 1977 taken for the application of law N° 76-663 of July 19, 1976 relating to classified installations for the protection of the environment.

and progressive process working to achieve goals that include consideration of policies, plans, and programs, or as it is known as a strategic environmental assessment¹. There are various forms that consider the impact study as a "superficial" one according to the content of the general guidelines on the one hand, in addition to weak compliance with general guidelines for impact studies on the other hand².

THE SECOND TOPIC: THE APPLICATIONS OF THE IMPACT STATEMENT STUDY WITHIN THE FRAMEWORK OF ALGERIAN LEGISLATION

The impact of Algeria at international conferences on environmental protection has been reflected in the internal legislation, as the Algerian legislator has tried to find proportionality between his international obligations related to environmental protection and his incorporation into internal texts by re-enacting a special law that guarantees his protection and develops with the development of international environmental regulation.

According to the perspective of the Algerian environmental legislator, the impact statement study in accordance with Article 02 of Decree 90-78 which dealt with the pre-requisition of works and preparation work, in addition to the large installations, to study the impact statement, therefore, this is to monitor any possibility of environmental damage that could arise as a result of those projects, which could be reflected on the environmental media, directly or indirectly³.

First Requirement: The Evolution of the Impact Statement Study Principle within the Framework of Algerian Law

Second requirement: legal procedures to the impact statement study on Algerian law.

¹-European Commission, Dg Tren The Sea Manual, A Sourcebook On Strategic Environmental Assessment Of Transport Infrastructure Plans And Programmes, p12 . Available on the site: https://ec.europa.eu/environment/archives/eia/sea-studies-and-reports/pdf/beacon_manuel_en.pdf on the date 12/09/2020.

² -Claire A. Dunlop, Oliver Fritsch, Claudio M. Radaelli, Study the Impact Study, Revue française d'Administration publique, (no vol), N° 149, 2014/1, p167. V.Site : <https://www.cairn.info/revue-francaise-d-administration-publique-2014-1-page-163.htm> Display by date 08/12/2020.

³-Article 02 of Decree 78-90 relating to studies affecting the environment dated 02 Shaban 1410 corresponding to 02/27/1990, Official Gazette No. 10, dated 03/07/1990.

FIRST REQUIREMENT: THE EVOLUTION OF THE IMPACT STATEMENT STUDY PRINCIPLE WITHIN THE FRAMEWORK OF ALGERIAN LAW

Since the 1970s, Algeria has witnessed a different view towards legislation and institutions related to environmental protection, as it established the National Council for the Environment in 1974, in addition to the first texts related to the field of environmental assessment.

Within the framework of the decree issued in 1976 related to unhealthy, uncomfortable and dangerous institutions¹, as the Algerian environmental legislator enacted a set of environmental texts in which he sought to protect the environment from economic and urban expansion, As the development of environmental policy in Algeria is due to which the legislator was affected by international environmental strategies.

Firstly:the first generation.

Secondly:the second generation.

Firstly:the first generation

Among the priorities that Algeria was seeking to create proportionality between national development and economic growth on the one hand, and to protect the environment and the population's livelihood framework on the other hand², the first law that addressed the impact study was **83-03 (repealed)**³, thus, Article **130** to consider it a means that works to protect the environment by assessing the negative impact on the environmental balance, and determining the restrictions on projects and activities in which a license or decision must be issued for the approval of those projects and activities as long as they do not pose a threat to the environment⁴, It also did not neglect the facilities that were established before the issuance of the law relating to the applicable impact statement to the establishments classified under Law 03-83.

The impact study on the environment in legal and technical terms was clarified under the provisions of Executive Order No. 90-78 (02/27/1990), so that the environmental impact assessment becomes a prerequisite for authorizing the administrative requirements to implement new units or activities under the

¹- Website of the Ministry of the Environment & Renewable Energies, Guide to Environmental Impact Studies EIE_Tome1, p25. See .Site : <http://www.meer.gov.dz/a/?wpdmpro=guide-des-etudes-dimpact-sur-lenvironnement-eieDisplay> by date 08/12/2020.

² -Article 03 of Law 83-03.

³ - Guide to Environmental Impact Studies EIE_Tome1, op.cit, p25.

⁴ - Article 131 of Law 83-03.

enactment of Executive Order No. 98-339 (11/03/1998) specific regulations apply to secret facilities and to develop their own designations¹.

Secondly:the second generation²:

The Rio de Janeiro Conference of **1992** had a great impact on Law **10-03** in terms of environmental protection, especially the principle related to environmental impact assessment, considering that Algeria is among the countries that ratified it, thus, the legislator adopted principle 17, which was reflected in the text of Articles **15** and **16**. From Law 10-03, it also enacted special decrees related to the study of the impact statement, such as the executive decree, which includes specifying the scope of application, the content and the modalities for the approval of the i mpact statement study on the environment³, as well as the interpretation of the environmental impact assessment in the text of Article **06** Paragraph **08** of Executive Decree No. **07-145** In addition to what is also included in Article **06** of Executive Decree No. **08-312** related to specifying conditions for approval of environmental impact studies for activities related to the hydrocarbons field, as the decree obligates the legislator to prepare an impact assessment for projects that may have a negative impact on the environment, whether Directly or indirectly, whether that effect is of a short or a long term Identified in that, the extent to which the environmental and living elements are affected ⁴, the objectives of the study or impact statement in accordance with the text of Article **02** in the balance between the completion of projects and the preservation of the environment⁵, by determining the extent of the project's impact on the environment, in addition to evaluating any effects that could result from its activities while ensuring compliance with the instructions Concerning the protection of the environment, Executive Order **18-255** issued on **10/90/2018** is considered as an amendment that complements Executive Decree **145-07** of **05/19/2007** related to specifying the scope, content conditions and approval of studies and environmental impact notices, in addition to Executive Order **19-241** amended Executive Order No. **07-145** specifies the scope of application, content and approval conditions for studies

¹ - Guide to Environmental Impact Studies EIA Volume 1, op.cit, p25.

² - Ibid, p25.

³ - Executive Decree No. 07-145 of 05/19/2007 specifying the scope of application, content and modalities for approving the impact statement study on the environment, Official Gazette No. 34, dated May 22, 2020.

⁴-Article 06 Paragraph 03 of Executive Decree N°. 08-312 of 05 Shawwal 1429 corresponding to 05/10/2008, specifying the conditions for approval of environmental impact studies for activities related to the hydrocarbons field, Official Gazette No. 58.

⁵-Executive Order 06-198 of 05/31/2006 defining the applicable regulations to institutions classified for environmental protection, which repeal Decree N°. 98-339.

and environmental impact reports¹, Furthermore, Decree 07-145 and its annexes have introduced : Environmental Impact Notice (NIE) Environmental Management Plan (PGE) moreover, it determines the projects submitted for impact study.

On the environment (EIS) and those which are subject to the Environmental Impact Notice (NIE) procedure, as the national legal framework includes many regulatory and sectoral legislation, also, they have a specific link, either directly and / or indirectly, with the impact study (such as : Mining Law, Water Law, Hydrocarbons Law, Unification Law ...)².

SECOND REQUIREMENT:LEGAL PROCEDURES TO THE IMPACT STATEMENT STUDY ON ALGERIAN LAW

Countries have become bound to devote the 1992 Rio Declaration within their domestic laws, as pursued by Algeria through the enactment of several executive decrees related to the impact statement study, it also sought to amend and attempt to absorb new elements that have become a threat to the environment.

Firstly: Procedures according to Executive Decree 18-255.

Secondly:Procedures according to Executive Decree 19-241.

FirstlyProcedures according to Executive Decree 18-255

We will discuss the most important procedures within the framework of the Decree 18-255:

1-The competent body responsible for preparing a study or impact statement

It is prepared by the studies offices approved by the minister in charge of the environment in accordance with the law 10-03 projects that are presented to the ministry, the state and the municipality, it is also based on the legal classification related to the projects when granting licenses³, since the legislator has expanded the list of projects that fall in the field of Impact study and the list of projects that are included in the framework of the impact statement on the environment.This is according to Executive Decree 18-255, which amends Decree 07-145⁴, as examining the study or the impact statement is the prerogative of the departments in charge of the environment at the regional level, but this jurisdiction is commissioned by the governor Under Article 05 of Decree 18-255.

¹-Guide To Environmental Impact Studies EIE_Tome1, Op.Cit, p25

²-Ibid, p25-26.

³ - Article 03 of Decree No 06-198.

⁴ - Appendix one for the list of projects that are subject to an impact study, and Appendix Two, pertaining to the list of projects that are subject to an impact statement study, Executive Decree No18-255.

2-The legal competent body to examine and validate the impact statement studies

The project applicant shall deposit his report on a study or the impact statement, which is indicated by the studies office at the regionally competent governor's office. The latter shall assign the services in charge of the regionally competent environment. Which examines the application filed, in case of necessity, it can request to be informed of supplementary information in order to decide whether to accept or reject the project. This is according to Article 04 and 05 of Executive Decree 18-255¹. However, the Moroccan legislator has created the National Committee for Studies of Impact on the Environment and the Regional Committees for Studies of Impact on the Environment². The competent body for approval under Article 19 to grant licenses to establishments, taking into account the criterion of risk and the criterion of damage. The impact statement is granted to the classified institutions which fall within the first category, as it is subject to the ministry to a ministerial license, moreover, the second category is subject to the license of the regionally competent governor.

3-Public investigation:

Before the public investigation is opened, it must be announced by the competent governor of the region, this is after the initial acceptance granted by the studies office for the purpose of involving natural and legal persons who reside in an area under study for the purpose of expressing their opinion on the project and its environmental implications, this is in accordance with the text of Article 06 From Executive Decree 18-255, the law also stipulated that citizens be informed of the opening of a public investigation, this is by suspending the opening decision at the level of the state headquarters, and the concerned municipalities, and the decision to open the investigation is also published in two national diaries in addition to being suspended at the level of the place designated for the completion of the project³,

A public investigation is carried out on projects that are not among the specified ones in the framework of Article 06⁴, upon the conclusion of the public

¹ - Article 08, Article 09 of Executive Decree 07-145, which was amended according to Articles 04 and 05 of Executive Decree 18-255.

² - Article 01 Decree No. 2.04.563 issued on 05 Dhu al-Qi'dah 1429 corresponding to 04/11/2008 regarding the terms of reference and functioning of the National Committee and the Regional Committees for Studies of Impact on the Environment, Official Gazette No. 5682 dated 11/13/2008, p. 4156.

³ - Article 07, Executive Decree 18-255.

⁴ - Article 06, Executive Decree 18-255.

investigation of the project; the investigating governor submits his opinion so that the competent governor issues a memorandum response regarding the project to be completed. Article 08 of Law 18-255, However, in the case of the expiration of a month from the date of receiving the opinion request, and it has not been decided upon by the technical departments in charge of the Governor's request in a study or the impact statement, despite reminding the technical interests and did not respond, it is considered as an approval, this is according to the text of Article 09 / Law 18-255.

Secondly: Procedures according to Executive Decree 19-241

The current development and continuous degradation is necessary for the environmental legislator to protect the environment according to Executive Decree No. 19-241, which added the list of projects that are subject to a study or the impact statement, as he distinguished between the establishments subject to the impact study and the ones subject to the impact statement.

Activities which fall within the facilities covered by a study or the impact statement: The provisions of the Law 10-03 classified the projects that fall within the projects that are subject to a study or / and a the impact statement according to the decree.07-144 However, this list did not include all projects, but the environmental legislator rectified them according to Decree 19-241.

Conclusion:

International conferences have played an effective role in enhancing environmental law in order to preserve the environment from damage which may be caused by human activity, among the principles that have been devoted at the international level and reflected in the legislation of countries, we find the impact study principle, as Algeria is among the countries that have made efforts to protect The environment relying on the principle of studying the impact of projects to avoid environmental degradation.

However, these efforts are relatively ineffective compared to the efforts made by developed countries. This study concluded with a set of results and recommendations, represented by:

Results:

-Consolidating the Algerian legislation with laws related to the impact statement study, but they are not considered sufficient and effective in order to devote the effectiveness to the study of impact.

-Despite the legal arsenal enacted by Algeria to protect the environment, it still did not live up to the aspirations.

Recommendations:

- Developing the Algerian environmental legislator's view of negative activities on the environment by joining new environmental agreements and following the Leading international experiences.
- Reliance on participatory democracy through citizen inclusion and consideration as a more effective monitoring mechanism.
- Limiting the creation of administrative bodies concerned with protecting the environment, and in return trying to activate the existing bodies and find the reasons for their weakness.

Bibliography List setting:

-First: Sources:

1-International Instruments:

1- Rio de Janeiro Declaration 1992, United Nations Conference on Environment and Development Rio de Janeiro 03-14 / 06/1992, A / CONF.151 / 26 / Rev.1, Volume 1, United Nations 1993.

2- Legal texts:

Algerian laws:

1- Law 03-83 dated Rabie al-Tani 22, 1403, corresponding to 05/02/1983, Official Gazette No. 06, dated 02/08/1983.

2- Decree 78-90 regarding impact studies on the environment dated 02 Shaaban 1410 corresponding to 02/27/1990, Official Gazette No. 10, dated 07/03/1990.

3- Presidential Decree No. 93-99 of Shawal 18, 1413, corresponding to 04/10/1993, includes the ratification of the United Nations Framework Convention on Climate Change approved by the General Assembly of the United Nations on 05/09/1992, Official Gazette No. 24, p. 04, dated 04/21/1993.

4- Decree No. 95-03 of 19 Shaban 1415 corresponding to 01/21/1995 containing the approval of the Convention on Biological Diversity signed in Rio de Janeiro on 06/05/1992, Official Gazette No. 07, dated 02/15/1995.

5- Law 10-03 of 19 Jumada I 1424 corresponding to 07/19/2003, related to the protection of the environment in the context of sustainable development, Official Gazette No. 43, dated 07/20/2003.

6- Executive Decree 06-198 of 04 Jumada Al-oula 1427 corresponding to 05/31/2006, fixes the regulation applicable to institutions classified for environmental protection, Official Gazette No. 37 dated 04/06/2006.

7- Executive Decree 144- 07 of 02 Jumada Al-oula 1428 corresponding to 05/19/2007, specifying the list of installations classified for environmental protection, Official Gazette No. 34 dated 05/22/2007.

8- Executive Decree 07-145 of 02 Jumada Al-oula corresponding to 05/19/2007 defining the scope of application, content and modalities for approving The Impact statement study on the environment, Official Gazette No. 34, dated 05/22/2007.

9- Executive Decree No. 18-255 of Moharram 29, 1440 corresponding to 09/10/2018, amending and completing Executive Decree No. 07-145 of 02 Jumada Al-Ula 1428 corresponding to 05/19/2007 that defines the scope of application, content and modalities for approving The Impact statement study On the environment, the Official Gazette No. 34, dated 05/22/2007.

10- Executive Decree 19-241 of 08 Moharram 1441 corresponding to 09/08/2019 amending and completing Executive Decree No. 07-145 of 02 Jumada I 1428 corresponding to 05/19/2007 which defines the scope of application, content and modalities for approving The Impact statement study on the Environment, Official Gazette No. 54, dated 09/08/2019.

Foreign laws

Moroccan law:

1-Royal Decree No. 60-03-01, issued on Rabie al-Awal 10, 1424 corresponding to 05/12/2003, implementing Law No. 12-03 related to studies of impact on the environment, dated the Official Gazette No. 5118 dated 06/19/2003, p. 1909.

2- Decree No. 2.04.563 issued on 05 Dhi al-Qi'dah 1429 corresponding to 04/11/2008 regarding the terms of reference and functioning of the National Committee and the Regional Committees for Studies of Impact on the Environment, Official Gazette No. 5682 dated November 13, 2008, p. 4156.

French law:

1-Decree No. 77-1133 of September 21, 1977 relating to installations classified for environmental protection.

2-French Environmental Code· Last modification: 07/31/2020 Edition: 08/08/2020.

The American law

1- The National Environmental Policy Act of 1969, as amended, available on the site:

https://www.whitehouse.gov/sites/whitehouse.gov/files/ceq/NEPA_full_text.pdf

Second: Articles

1-Barry Sadler, Environmental Assessment In A Changing World Assessing The Practice To Improve Performance, International Study on the Effectiveness of Environmental Assessment, Canadian Environmental Assessment Agency, 1996.

https://www.iaia.org/pdf/EIA/EAE/EAE_10F.PDF Display by date: 09/09/2020.

2- Chapter4b, Environmental Impact of Projects, Higher Technical School of Industrial Engineering, barcelona, polytechnic university of catalonia, no year.

<http://www.seyed.tech/EPC/theory/Chapter4b.pdf> Display by date: 22/11/2020.

3- Claire A. Dunlop, Oliver Fritsch, Claudio M. Radaelli, Etudier L'étude D'impact, Revue française d'administration publique, (no vol), N° 149, 2014.

<https://www.cairn.info/revue-francaise-d-administration-publique-2014-1-page-163.htm> Display by date:08/12/2020.

4-Eric naim-gesbert, the ecological impact study, legal review of the environment, (vol. 40), 2015/04, posted on Cairn.info on 12/31/2015.

<https://www.cairn.info/revue-revue-juridique-de-lenvironnement-2015-4-page-597.htm> Display by date:08/10/2020.

5- Louis B. Sohn, the Stockholm declaration on the human environment, Harvard International Law Journal, (Vol. 14), 1973.

https://wedocs.unep.org/bitstream/handle/20.500.11822/28247/Stkhm_DcltnHE.pdf?sequence=1&isAllowed=y, Display by date: 23/11/2020.

6- Mansour Madjadji, Study of the extent of the impact on the environment as a tool to protect it from the dangers of urban expansion in the Algerian legislation, Journal of Research and Scientific Studies,(vol.03), No. 01, no year.

7- Tseming Yang, the emergence of the environmental impact assessment duty as a global legal norm and general principle of law, hasting law journal, (vol.70), 2019.

<http://www.hastingslawjournal.org/wp-content/uploads/70.2-Yang-1.pdf>, Display by date:30/10/2020

Third: Websites

1- European Commission, Dg Tren the Sea Manual, A Sourcebook on Strategic Environmental Assessment of Transport Infrastructure Plans and Programmes, see. Site:

https://ec.europa.eu/environment/archives/eia/sea-studies-and-reports/pdf/beacon_manuel_en.pdf, Display by date:12/09/2020.

2- Website of the Ministry of the Environment & Renewable Energies, Guide to Environmental Impact Studies EIE_Tome1. See. Site:

file:///G:/Documents%20and%20Settings/Administrateur/Mes%20documents/Downloads/GUIDE_EIE_Tome1.pdf, Display by date:08/12/2020.