Art. 9 - The public audio visual establishments are surrogate as from the publication of the decrees relating to their creation and within the scope of their respective attributions, to the Tunisian television and radio corporation, in all its undertakings and rights.

Are repealed as from this date and for this reason all the previous provisions contrary to this law, particularly law n° 90-49 dated 7 May 1990, creating the Tunisian television and radio corporation and law n° 97-38 dated 2 June 1997, creating the national agency for audiovisual promotion.

Art . 10 - The properties of the Tunisian television and radio corporation intended to realize their respective missions are transferred, as ownership, to the public audio visual establishments.

A committee whose members are appointed by joint order of the Minister charged of State Properties and Land Affairs and the Minister charged of Communication and the Minister charged of Finances shall set an inventory of properties and evaluate the movable properties.

In case of winding up of these establishments, their properties revert to the state shall honour their obligations.

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

Tunis, 4 June 2007.

Zine El Abidine Ben Ali

Law n° 2007-34 dated 4 June 2007, on air quality.

In the name of the people,

The Chamber of Deputies and the Chamber of Advisors having adopted,

The President of the Republic enacts the following law :

CHAPTER I

General provisions

Article one - The law herein aims at preventing, limiting and reducing air pollution and its negative effects on human health and on the environment, and at defining the necessary procedures for air quality surveillance; thus preserving the citizens' right to a sound environment and ensuring sustainable development.

Art. 2 - Under the terms of the present law, the following definitions are adopted :

• Atmospheric pollutants : emissions or substances that, once in the air, produce harmful effects on human health and on the environment.

• Limit values of ambient air quality : the maximum levels of concentrations of pollutants in ambient air, tending to avoid, prevent and curb their harmful effects on human health or on the environment.

• Air quality alert threshold : the levels of concentrations of pollutants in ambient air which, when exceeded, even for a short period, pose a danger to human health or to the environment, and necessitate that urgent measures be taken.

• Source limit values : the maximum levels of pollutants in emissions emanating directly from mobile or fixed sources, and whose surpassing is forbidden.

• Mobile sources : automobile vehicles equipped with combustion engines and used for : the land. sea and air transportation of persons and goods.

• Fixed sources : all fixed installations and equipments whose utilization may produce the emission of pollutants in the air.

CHAPTER II

Air quality preservation measures

Art. 3 - The National Environment Protection Agency is in charge of watching air quality and its impact on the environment, and establishing a national network for air quality follow-up, in coordination with the State structures, the competent public institutions, and local collectivities.

The methods of operation of the net work, the means of connection to it, and its use, are set by decree.

The Minister of Public Health is in charge of watching, following up and assessing the impact of air pollution on human health, in coordination with the National Environment Protectioin Agency.

Art. 4 - The National Environment Protection Agency, in coordination with local collectivities and the concerned public structures and institutions, prepares air quality preservation plans for urban built-up areas where the number of inhabitants exceeds a threshold set by a joint decree issued by the ministers in charge of the environment, local collectivities, and public health, as well as for areas where the air quality limit values or alert threshold have been, or might be, exceeded.

The air quality limit values and alert threshold are set by decree, upon the proposal of the Minister in charge of the environment.

Art. 5 - Air quality preservation plans aim at reducing, within a period they set, the concentration of pollutants of the air in urban built-up areas mentioned in article 4 of the present law, in order to make them lower than the limit values. and at defining the measures to be taken in case the alert threshold is exceeded.

The above mentioned measures may include the limitation of road traffic, the reduction of air pollutants emanating from emissions of installations having air polluting activities and which are at the origin of the peak of pollution, or the suspension of their activity, or the stopping of equipments and engines that are the source of pollution, till pollution is brought down below the alert threshold.

Air quality preservation plans are approved by a joint decree issued by the Ministers in charge of the Environment, Local Collectivities, Industry, Transport and Public Health.

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(1) preparatory works :

Discussion and adoption by the Chamber of Deputies during its session held on 8 May 2007.

Discussion and adoption by the Chamber of Advisors during its session held on 16 May 2007.

CHAPTER III

Measures for the prevention of air pollution from mobile sources

Art. 6 - During the preparation of urban mobility plans, the balance between the need for mobility, the protection of public health and the environment, road traffic flow, the organization and coordination of means of transport through the appropriate and optimal use of the network of roads, and the promotion of the less polluting and less energy-consuming means of transport, shail be taken into consideration.

Art. 7 - The orientations of urban mobility plans shall adopt in particular :

- The reduction, in case of need, of the traffic of certain categories of the most air-polluting means of transport,

- The promotion of collective transport and of the less energy-consuming and less polluting means of transport,

- The development and use of the main network of inter-urban roads in order to make its use more efficient, particularly by distributing it over the various means of transport, in such a way as to reduce polluting emissions.

Art. 8 - The source limit values of air pollutants from mobile sources are set by decree.

Special mechanisms and procedures can be established to prevent and encourage the limitation and reduction of air pollution caused by mobile sources.

CHAPTER IV

Measures for the prevention of air pollution from flxed sources

Art. 9 - While abiding by the regulations in force, users of installations must obligatorily and before entering the phase of operation, equip their installations with non-polluting equipments and clean technologies allowing to prevent and reduce source air pollutants.

Besides, users of installations operating in one of the fields of activity causing air pollution, whose list is drawn by the minister in charge of the environment, must undertake, at their expense, the control of source air pollutants and the connection of their installations to the national air quality follow-up network.

Art. 10 - The users of installations producing emissions of pollutants in the air must not exceed the limit values in their polluting emissions. The source limit values of air pollutants from fixed sources are set by decree.

The users of these installations must also inform the competent authorities when accidents causing air pollution take place, communicate to them all information related to the circumstances of the pollution, and take all the necessary measures to restore the situation.

Art. 11 - The users of the installations existing at the date of enforcement of the present law, and which emit pollutants in the air, must limit or reduce air pollutants emanating from their installations, in order to bring them down to the level of the source limit values of air pollutants from fixed sources, set by the decree mentioned in article 10 of the present law. Depending on the case, this must take place within a maximum period of three (3) years starting from the date of publication of the above-mentioned decree.

The users of the installations existing at the date of enforcement of the present law. and operating in one of the fields of activity causing air pollution and included on the list mentioned in article 9 of the present law, must, at their expense, control air pollutants and connect their installations to the national air quality control network. Depending on the case, this must take place within a maximum period of three (3) years starting from the date of publication of the deerce mentioned in article 9 of the present law.

CHAPTER V

Establishment of infractions, sanctions and transaction

Art. 12 - The following are in charge of observing infractions to the provisions of the present law and to its enforcement texts :

- Officers of judicial police, mentioned in § 2, 3 and 4 of article 10 of the Code of Penal Procedure.

- Competent and on-oath agents from the Ministry of the Environment and Sustainable Development and the Ministries in charge of Public Health and Transport, provided they rank among “category A” civil servants and are governed by the - general statutes of civil servants, local public collectivities and public institutions having an administrative character, promulgated by law 83-112 dated December 12, 1983.

- Competent and on-oath agents from the National Environment Protection Agency.

Reports shall be transmitted to the territorially competent State Prosecutor.

Infractions related to mobile sources are observed and punished in accordance with the provisions of the legislation in force.

Art. 13 - Are punishable by a fine ranging from one thousand (1,000) to fifty thousand (50,000) dinars all infractions to the provisions of paragraph 1 of article 9, paragraph 1 of article 10, and paragraph 1 of article 11 of the present law.

Are punishable by a fine ranging from one hundred (100) to ten thousand (10,000) dinars all infractions to the provisions of paragraph 2 of article 9, paragraph 2 of article 10, and paragraph 2 of article 11 of the present law.

ln the event of a second infraction, aIl the penalties provided for in the two previous paragraphs are doubled. They must not, however, be inferior to the double of the minimal penalties applied to the infraction.

Art. 14 - In case of emergency, the summary judge may order the suspension of the activity that has caused the pollution till equipments are installed or the necessary reparations are undertaken to bring the pollutants down to the level of the source limit values.

The court may also order the definitive closing of the installation if it turns out that it is impossible for this installation to resume its activity without exceeding the limit values.

Art. 15 - The National Environment Protection Agency may conclude transactions conceming the infractions mentioned in article 13 of the present law.

The execution of the transaction ends the public action and terminates the judicial proceedings, the judgment or the execution of the punishment, as long as a final judgment has not been rendered.

The transaction does not exempt the users of installations in breach of the law from the obligations provided for by the present law, nor from their civil responsibility for all damage caused, or that will be caused, to others as a result of their acts.

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

Tunis, 4 June 2007.

Zine El Abidine Ben Ali

Law n° 2007-35 dated 4 June 2007, completing law n° 93-41 dated 19 April 1993, relating to the national sanitation utility (ONAS) (1).

In the name of the people,

The Chamber of Deputies and the Chamber of Advisors having adopted,

The President of the Republic enacts the following law :

Article one - A second paragraph is added to article 2 of law n° 93-41 dated 19 April 1993, relating to the national sanitation utility (ONAS) to insert right before its last paragraph as follows :

Article 2 (second paragraph) : the national sanitation utility (ONAS) may, within the scope of the regulations in force, grant concessions for operating sewerage works and some other services provided within the scope of its missions. The list of these services is fixed by decree.

Art. 2 - A fourth paragraph is added to article 2 of law n° 93-41 dated 19 April 1993, relating to the national sanitation utility (ONAS) to insert right after its last paragraph as follows:

Article 2 (fourth paragraph) : the concessions provided for in the previous paragraph are granted for thirty years maximum.

Art. 3 - Articles 2 bis, 2 ter, 2 quarte, 2 quinquies, 2 sexies, 2 septies, 2 octies, 2 nonies are added to law n°93-41 dated 19 April 1993, relating to the national sanitation utility (ONAS) as follows :

Article 2 bis : a special chattel real on buildings, works and immobile equipments to practice the activity provided for in the concession contract is created for the benefit of the holder of the concession of sanitation financing, achievement and exploitation.

This chattel real confers to its holder throughout the term of the concession contract the owner's rights and obligations provided for in article 2 bis to 2 nonies of the law herein.

The chattels real burdening the buildings, works and immobile equipments are registered on a special register kept by the competent departments of the Ministry of State Property and Land Affairs.

The keeping methods of this register are set by decree.

The methods and procedures provided for by the legislation in force as regards chattels real apply to chattel real registration, as well as to the burdening of the creditors' rights.

Article 2 ter: it is prohibited during the term of the contract or its remaining term to assign or transfer, the chattels real, buildings, works and immobile equipments, including the burdening securities, unless authorized to by the Minister of Environment.

Article 2 quarter: in the event of the concessionary's demise, the concession and the resulting chattels real may be transferred to the heirs provided that a person appointed from among them submits a request for the purpose to the Minister of Environment within three months maximum as of the demise day provided prior agreement by the latter.

In case of disagreement between the heirs, each of them may apply for the appointment of a representative by a decision in ex parte proceedings not subject to appeal, delivered by the competent presiding judge of first instance within the deadline mentioned in paragraph one of the article herein.

The achievement of the activity subject matter of the concession continues during the mentioned deadline in accordance with the conditions provided for in the contract.

If the mentioned deadline expires without appointing a heirs' representative to carry out the performance of the concession contract, this contract will be cancelled without indemnification.

In this case, the creditors whose rights are registered will be informed by a registered letter with acknowledgement in order to allow them to propose another person to subrogate the deceased within no more than three months. The conceding authority is free to accept the proposed person or to transfer the concession to another.

In case the concessionary is a legal entity, the provisions of the previous paragraph of the article herein apply if there is a winding-up.

Article 2 quinquies : the chattels real, buildings, works and immobile equipments may be mortgaged only to guarantee the loans contracted by the concessionary in order to finance the achievement, modification or extension of the works and equipments achieved within the scope of the concession.

Unsecured creditors other than those whose debts are generated by the works mentioned in the previous paragraph may not take either protective or enforceable measures on the rights and estates mentioned in the article herein.

Mortgages burdening the chattels real, buildings, works and immobile equipments shall lapse at the expiry of the term of the concession contract.

Article 2 sexies : at the end of the concession, the concessionary shall keep the works, buildings and

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(1) preparatory works :

Discussion and adoption by the Chamber of Deputies during its session held on 8 May 2007.

Discussion and adoption by the Chamber of Advisors during its session held on 16 May 2007.