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	The Role of the Competition Council in Consumer Protection as a Mechanism for Market Regulation
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Abstract

The Competition Council is one of the most important economic regulatory authorities, responsible for monitoring the market and ensuring a balance among all active participants, including economic operators and institutions that produce or provide services or other goods that fall within the scope of their profession including economic operators and institutions that produce or provide services or other goods that fall within the scope of their profession. We should also refer in this intervention to the most important forms of commercial fraud practiced against consumers as well as the bodies responsible for protecting him from these practices because the latter is regarded as weak links among the economic operators active in the market, who may at times exceed the rules of competition and the regulations related to commercial practices, which can sometimes lead to fraud and a departure from standards of integrity, we will address the crucial role of this Council in ensuring protection for consumers and all means encouragement in that regard. The Council is not merely a mechanism for overseeing economic operators and the nature of activities conducted in the market; rather, it is a crucial tool in ensuring consumer protection against all forms of fraud, given that the consumer represents the final link in the economic chain. In light of the multitude of products and goods introduced into the market by economic actors varying in quality, safety, and risk it is necessary for the Competition Council to exercise due diligence in monitoring consumer goods to safeguard the consumer from all forms of deception to which they may be subjected.

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1. Introduction

It is of paramount importance that the Competition Council plays a crucial and highly effective role in protecting and regulating the market as a whole from any practices that are anticompetitive or unfair. The Council functions as a balancing mechanism for distortions that may be committed by economic operators active in the market. It constitutes one of the economic regulatory mechanisms established by the Algerian legislator to exercise economic oversight, each authority operating within its respective field of competence and the domain assigned to its supervision and regulation. Moreover, with the emergence of electronic transactions and the growing integration of technology into the economic sphere, the sector has witnessed unprecedented dynamism. This has contributed to the expansion of markets and brought them closer to consumers, to the extent that consumers no longer need to physically visit the market; instead, the market has become readily accessible to them at home or in their workplace through promotional offers of products presented by economic actors.

However, despite the advantages brought by technological progress, this does not negate the potential risks associated with goods and products provided to consumers chief among them being fraud and deception, which consumers may face and which, at times, may be difficult to detect or remedy. This leads us to pose the following question: **What are the procedures that must be adopted by the Competition Council to protect consumers from all forms of commercial fraud?**

In order to answer this problematic, we propose the following outline:

Chapter 1: Preventive Measures for Consumer Protection

- 1.1 Types of Commercial Fraud.
- 1.2 The National Council for Consumer Protection
- 1.3 The Competition Council.

Chapter 2: Measures Adopted by the Council Against Perpetrators of Consumer Fraud.

- 2.1 **Authorities** Empowered to Report the Council on Offenses of Commercial Fraud.
- 2.2 Investigation Procedures

2. Preventive Measures Consumer protection

The Competition Council is regarded as one of the principal regulatory authorities within the economic sphere, entrusted with overseeing market mechanisms and the activities conducted by economic operators. Its core mandate includes ensuring market equilibrium, addressing potential distortions, and combating all practices that infringe upon the principles of fair competition, particularly monopolistic behaviors liable to compromise market efficiency.

Although no explicit legal provision directly confers upon the Competition Council the authority to address fraudulent practices targeting consumers, such a function can be reasonably inferred from its overarching regulatory mandate. In light of the increasing prevalence of deceptive commercial practices—particularly those proliferating through social media platforms, where products and goods are marketed directly to consumers by operators who may lack proper legal status—there arises an urgent need to clarify the types of commercial fraud affecting consumers. This is especially critical given that consumers constitute the most vulnerable and immediate link impacted by such misconduct.

Accordingly, this analysis will address three key dimensions: first, the typology of commercial frauds commonly encountered by consumers; second, the role of the National Council responsible for consumer protection, institutionally mandated to safeguard consumer interests; and third, the functions of the Competition Council in ensuring lawful market conduct and deterring unfair competitive behaviors.

1.1- The typology of commercial frauds commonly encountered by consumers

Commercial fraud is considered one of the most significant negative phenomena that consumers face in their daily lives, often perpetrated by certain economic operators who may violate the principle of integrity expected of traders and professionals engaged in commercial and economic activities in general. Relevant legislation includes Ordinance No. 03-03 relating to competition, which regulates competition rules, and Law No. 04-02 relating to commercial practices, which addresses the relationship between economic operators and consumers. These legal texts reflect the Algerian legislator's commitment to protecting consumers from commercial fraud, particularly during the purchase of specific products. To better understand this issue, we will examine direct commercial fraud committed by economic operators (A), as well as electronic commercial fraud perpetrated through online platforms (B).

A- Direct Commercial Fraud

Direct commercial fraud refers to the sale transaction concluded between the economic operator and the consumer within a single contractual setting, without intermediary or electronic communication platform through which goods and products are displayed and prices negotiated. In such direct transactions, the consumer has sufficient opportunity to examine goods and products—whether daily consumables like foodstuffs or durable items such as household appliances or cars.

Fraud in this context typically involves either expired food products, which pose health risks, or non-food items sold through deception—where low-quality goods are presented as high- or medium-quality products and sold at inflated prices. The consumer's inability to distinguish between genuine and poor quality in such cases often stems from a lack of technical knowledge, particularly for specialized products requiring expertise to evaluate. This leads to consumers falling victim to commercial fraud, which has negative consequences, chief among them being unfair competition. Such situations demand a level of responsibility and professional integrity from the trader or economic operator in general.

Fraud has become widespread in commercial transactions, negatively impacting consumers' lives. This is mainly due to the lack of adherence by traders or intermediaries to standards of honesty and integrity in their dealings. Their primary objective is to achieve profit by any means, even if it involves various forms of deception. One of the most common manifestations of fraud is manipulation, which alters the nature or properties of products. This includes replacing materials with others of lesser value, or adding or removing substances in a way that increases quantity but reduces the required quality of a given item. (Bechatta, 2022)

The primary reason behind the spread of fraud lies in the tremendous development of industrial and commercial methods, which has transformed markets into crowded spaces filled with various goods and products. Demand for brand names has grown significantly, to the extent that the brand has become a sort of passport for goods in both local and international markets, where intense competition among brands prevails.

The brand serves as a link between the trader and the consumer, who will not be misled if they rely on quality standards, protecting them from spending money on counterfeit goods and products (Zahra, 2023).

The preceding analysis reveals that commercial fraud has significantly increased in our current time, especially with the emergence of outstanding and globally leading brand names. Many consumers who purchase these products are strongly attached to internationally renowned quality standards and are willing to pay substantial amounts for them, as these brands represent a personal gain and reflect the sophistication and durability of the product over time. Therefore, consumers are primarily seeking well-known brands, whether in food products, service-based goods, or everyday consumer products."

The issue of counterfeiting is closely linked to trademarks, due to the increasing demand for certain products or goods associated with globally popular brands. Consumers constantly seek these items, even when they are

expensive. This has led some individuals to resort to deceptive practices and commit the crime of counterfeiting, which typically requires official authorization from the original manufacturer. At times, a consumer may fall victim of fraud by a seller when purchasing a specific product in a direct transaction, that is, within a single contractual meeting. This often results from exploiting the consumer's lack of sufficient knowledge of the product's nature and its conformity with quality standards. Moreover, consumers may pay large amounts of money under the belief that the product belongs to a reputable international brand, only to discover afterward that they have been deceived by a cleverly executed commercial fraud. The counterfeit item has been manipulated to appear authentic, misleading the buyer about as to true identity.

B- Indirect Commercial Fraud (through online platforms)

Commercial fraud conducted through online platforms is considered the most serious and widespread form of deception in the contemporary marketplace. This is due to the ease with which consumers can be misled and the absence of a face-to-face meeting, which would normally allow the consumer to adequately examine the product. In many cases, buyers fall victim to online sellers who promote certain goods and products as belonging to reputable brands and of high quality, while in reality, they are not. In many instances, once the consumer places an order through a website or social media page, they receive a counterfeit item, a defective product, or an item that is entirely non-functional. In such situations, the consumer becomes a victim of commercial fraud, which can be difficult to remedy—whether through product replacement or reimbursement. This results in significant financial loss for the consumer, and places the consumer in a vulnerable position and in need of sufficient protection against all forms of fraud.

In the field of electronic contracting, the consumer enters into numerous and varied electronic contracts to meet their needs—whether for purchasing, using, or other purposes. These contracts may involve ordering goods or services intended for the consumer's personal needs, without any intention of reselling or marketing them. In this regard, the consumer does not act as a merchant, since such qualification is reserved for traders. Moreover, the consumer often lacks the necessary expertise to distinguish the nature of the goods purchased through electronic platforms. Given the strong link between electronic contracts and consumer protection—since the outcomes and applications of such contracts facilitate transactions and streamline procedures—this should not occur at the expense of safeguarding the consumer's rights, particularly protection against all forms of fraud and deception (Dhib, 2017).

Furthermore, the consumer who purchases products and goods via electronic means is considered the weaker party, as they are in constant need of the mentioned services. This, in turn, highlights the lack of information regarding quality standards and the actual prices of goods and services, as well as the consumer's limited technical abilities compared to those of the electronic seller. Furthermore, the consumer may be unaware of the violations committed by traders, such as misleading practices and serious harm that may affect the consumer—harm that typically requires compensation proportionate to the gravity of these violations (Zouzou, 2017).

"From the foregoing discourse, it becomes evident that commercial fraud is frequently practiced on consumers who purchase products and goods through various electronic platforms. This highlights the evolving methods of deception and fraud that are increasingly prevalent on such websites. The root of this issue often lies in the nature of those engaged in online sales—some sellers may be legally recognized merchants, while others are ordinary individuals who do not meet the legal requirements of a trader. This discrepancy complicates subsequent legal proceedings and claims for compensation resulting from the harm and deception committed by these unauthorized sellers.

The main reason consumers fall victim to deception through electronic means is their lack of knowledge and the necessary awareness when ordering products and goods they need. Often, the fraud lies in the fact that these products are counterfeit and do not meet the standards of international brands. Strangely, consumers end up paying large amounts of money under the belief that the items are authentic and not imitations, only to later discover that they were misled by the seller. Recently, the trend of selling non-food products via the social media platform Facebook has become widespread. These sellers interact frequently with consumers, and in most cases, they are not legally registered traders but rather individuals engaged in temporary selling activities. This practice poses a risk to consumers victims of commercial fraud—either receiving counterfeit products or goods that are defective and non-functional, despite the significant financial cost they bear.

1.2- The National Council for Consumer Protection as a Mechanism for combating Commercial Fraud

In order to protect consumers from all forms of harm that may affect their safety, as well as from deception and fraud that may be practiced by traders, the Algerian legislator established a specialized body for this purpose under the name “National Council for Consumer Protection,” pursuant to Executive Decree No. 92-272 (Executive Decree No. 92-272 dated July 6, 1992. According to Article 2(Ibid) of the same decree, the legislator designated this Council as a consultative body that is consulted on matters related to consumer protection. It also monitors the quality and safety of goods and services in order to protect individuals seeking them. Additionally, the council provides a range of opinions that contribute to mitigating risks related to consumer safety and expresses its views on the annual programs intended for quality control and fraud prevention, as stated in Article 3 (Ibid) of the same decree.

However, this decree was repealed by Executive Decree No. 12-355 (12-355, 2012) dated October 2, 2012, which defines the composition and functions of the National Council for Consumer Protection. In the current decree, the Council is placed under the authority of the Minister in charge of consumer protection, unlike in the previous Executive Decree No. 92-272, where the Council was affiliated with the Minister responsible for quality. This change reflects the developments in the field of commerce and aims to align with the dynamics of global economies, which are experiencing significant economic activity. Additionally, under the old executive decree, the National Council for Consumer Protection was considered a consultative body. However, in the new Executive Decree No. 12-355, the term has been clarified and specified more accurately; it is now deemed an advisory body according to Article 2 (Ibid) of the same decree. This means the Council is consulted on important matters within its area of competence, particularly those that can contribute to consumer protection by establishing rules to prevent fraud that may be committed by economic operators against consumers seeking various goods and services.

According to Executive Decree No. 22-355, the main responsibilities of this Council consist of issuing opinions when consulted on important matters that may contribute to protecting the expropriated party, as well as proposing appropriate measures related to all aspects affecting consumer safety and may potentially cause harm. This is in accordance with Article 22 (Ibid) of the same decree.

Opinions contributed by the National Council for Consumer Protection:

- Providing opinions that contribute to safeguarding consumers’ health and their related interests.
- Offering perspectives on draft laws and regulations issued by the relevant authorities that are expected to impact consumption.

Measures proposed by the National Council for Consumer Protection:

- Developing programs that support quality control, ensuring product authenticity, suppressing all forms of fraud.
- Proposing strategies aimed at enhancing quality standards to strengthen consumer protection.
- Collecting all information directly related to consumer protection, utilizing it to counter violations against consumers, and distributing it to the targeted audience to raise awareness of potential risks.
- Recommending programs that promote consumer protection through specialized associations.
- Suggesting regulatory measures to stabilize the market, with a focus on preventive actions to avoid market imbalances.
- Proposing steps to protect consumers’ purchasing power.

1.3- The Competition Council and Its Role in Consumer Protection:

Since the Competition Council is an economic regulatory authority responsible for monitoring the market and the competition practices, it addresses all behaviors that may undermine these principles. Although the orders and laws establishing the Council and defining its functions and structure do not contain explicit provisions on combating

fraud, a close reading of these texts reveals that the Council does, implicitly, intervene in matters of commercial fraud committed against consumers.

Referring to Ordinance No. 03-03 (03-03, 2003) relating to Competition, particularly Article 1(Ibid) of the same ordinance, we find that it aims to improve the consumers' living conditions by creating favorable conditions and addressing all aspects that may hinder such improvement. This is understood in the broad sense, namely, the protection of consumers from commercial fraud that may occur when purchasing goods and services provided by production enterprises and traders.

As for Article 2(Ibid) of the same ordinance, it specifies that its scope covers activities related to production, distribution, and services, and extends even to public entities. This suggests that the Competition Council is concerned with issues that may cause harm to consumers, particularly regarding expired products or products that fail to meet quality standards, which fall under the category of counterfeiting and constitute the crime of commercial fraud.

Indicators of protection can also be inferred from Article 3(Ibid) of the same ordinance, particularly paragraph (A), which defines the 'institution' in broad terms regardless of its nature—as a permanent establishment, not one that is temporary or intermittent, that engages in economic activities which may include production, distribution, or services. This definition clarifies that an institution's primary purpose is to produce goods as one of its key functions, whether these are widely consumed goods such as food products or service-related outputs that facilitate the consumer's daily activities. Consequently, this implies that such institutions are required to comply with quality standards for their products, as well as health and safety standards for consumers, while avoiding all forms of commercial fraud.

However, the two articles mentioned above were amended under Law No. 08-12 (Law No. 08-12 of June 25, 2008) dated in June 25th, 2008 relating to competition. Article 2(Ibid) underwent changes and introduced new provisions that were absent from Ordinance No. 03-03. In fact, the amended Article 2 of Law No. 08-12 broadened the scope of market activities to include imports, which had not been previously covered

Consequently, individuals engaged in commercial trade can now undertake import activities.

Furthermore, the definition of entities involved in such activities was expanded. Previously limited to public legal entities, it now extends to include associations and professional unions, regardless of their legal form, structure, or objectives. This reflects the Algerian legislator's adoption of a broader interpretation to apply the law to a wide range of entities. It is therefore understood to encompass consumer protection associations as well as unions related to traders, economic operators, or any actors connected to market-based activities.

This amendment illustrates the Algerian legislator's effort to keep pace with developments in both national and global market, aiming to strengthen consumer protection against practices that undermine the principles of fair competition.

In addition, Article 3(Ibid) of the previous ordinance relating to competition was amended, introducing a new paragraph that defines an additional term or procedure implemented by the regulatory authority, namely the Competition Council. This amendment is in accordance with Law No. 08-12, specifically Article 3, which only revised the first paragraph. While the definition of an enterprise remained unchanged, the term 'import' was added to the activities carried out by the enterprise — a function that was not explicitly authorized before. Under this law, regardless of the enterprise's nature, whether public or private, and in addition to the activities granted under Ordinance 03-03, the legislator has now entrusted it with the task of importing goods and products that fall within the legally authorized scope of its operations.

Furthermore, a new paragraph (h) was introduced under the title 'Regulation'. This term refers to the action undertaken by any public authority with the aim of ensuring market balance, enhancing the effectiveness and realization of free competition, and countering all forms of restrictions that could hinder the aforementioned principle of freedom. Additionally, the legislator's purpose behind this procedure is to maintain market equilibrium among all economic operators.

Referring to Article 12 (03-03 op. cit) of Ordinance No. 03-03, the text affirms the protection of the consumer from all forms of potential harm. This article specifically addresses the prohibition of arbitrary reductions in low selling prices that may be imposed on consumers. It is inconceivable that such price reductions could occur while production costs or other related expenses remain high. The expected outcome of such practices is harm to other economic operators, potentially leading to their bankruptcy due to unfair price cutting. Moreover, this arbitrary reduction in selling prices may also harm consumers, as it is often the result of counterfeit products that imitate global goods. These products may be offered at prices lower than similar items but fail to meet international quality standards, do not contain the main components of the original product, or are expired posing serious risks to the health and safety of consumers.

According to Article 35 (03-03 op. cit) of Ordinance No. 03-03, the Competition Council is among the bodies authorized to express its opinion on certain matters, as explicitly stated in the article. This applies when the Council is consulted by consumer associations regarding issues related to competition. Therefore, it can be understood that consumer protection associations are entitled to raise all matters linked to competition that have a direct impact on consumer protection. In other words, they may seek the Council's opinion on all measures that help prevent commercial fraud, deception, or misleading practices that might be exercised against consumers in the future. These associations, concerned with the safety and rights of consumers, may also gather the necessary information and present it to the Council in order to obtain its opinion on such matters.

3. Measures Taken by the Council Against Individuals Involved in Consumer Fraud

Given that the crime of commercial fraud primarily affects the consumer group being the direct beneficiary of products, goods, and services offered by institutions operating within the economic sector—the legislator is keen to provide appropriate protection not only for economic operators themselves, but also, and more importantly in this context, for consumers, who are the focus of this discussion. Since the Competition Council serves as a regulatory authority in the economic market, it aims to counter all forms of behavior that could undermine competition or constitute unfair practices. Moreover, the Council also seeks to protect consumers from violations by economic operators, such as deception or misrepresentation in the products and goods provided to them. To explore this topic in details, we will examine the entities authorized to notify the Council of Commercial fraud offenses (first), followed by an exploration of the the investigations conducted by the council concerning such offenses(second).

2.1- Entities Authorized to Notify the Council of Commercial Fraud Offenses

In cases of commercial fraud occurring in the market, the consumer is the primary victim of such offenses. These offenses also affect the public interest of the state, as the state seeks to protect this interest due to the threat such crimes pose to society as a whole. In order to monitor and address such crimes, Algerian legislation has allowed individuals to form non-profit associations whose main objective is to serve the community and communicate its concerns to the relevant authorities.

Since this matter pertains to the economic and market sectors, consumer protection associations have been established to defend those or commercial offenses. These associations collect essential information on individuals involved in fraudulent commercial practices, whether it concerns expired goods and products that pose a health risk to members of society, or products and services that appear high-quality and expensive but are, in fact, imitations of globally recognized brands.

Consumers often fall victim to such deception due to their lack of expertise in distinguishing counterfeit products from authentic ones—something made more difficult by the high level of skill with which traders or economic operators manufacture these counterfeits.

As for the procedure related to notification, the Algerian legislator assigned this responsibility in accordance with Article 44 (03-03 op. cit) of Ordinance 03-03, which in turn refers to the notification and how it is to be carried out by the bodies mentioned in the second paragraph of Article 35 of the same ordinance. Referring to this article, we find that among the entities authorized to notify the Competition Council are consumer protection associations. The use of this term indicates that there is not just one association responsible for consumer protection, and it is also understood that notification can be carried out either by a single association or jointly by several associations. However, a condition was introduced for the acceptance of the notification submitted by these bodies in general and

by consumer protection associations in particular: the existence of a vested interest. That is, the party submitting the notification to the Competition Council must have a legitimate interest. Conversely, if these entities especially consumer protection associations lack such an interest, they may not undertake this action, as it is linked to a fundamental requirement. Since the establishment of these associations is originally based on the public interest of members of society, this implies their legitimate right to undertake this procedure. Their role is to protect the vulnerable party in the market: the consumers. These associations are therefore empowered to investigate fraudulent practices in the market relating to products, goods, and services that do not conform to the legal standards and regulations governing various economic activities in the marketplace.

Regarding the second paragraph of Article 44 the issues and practices examined by the Competition Council must fall strictly within the scope of Articles 6, 7, 10, 11, and 12, or be based on Article 9 of the same ordinance. It is understood from this provision that the matters brought before the Council must be related to one of the aforementioned articles, otherwise they fall outside its jurisdiction. When referring to the provisions indicated in Article 44, excluding Article 9, we find that they aim to clarify the types of practices prohibited for market participants or economic operators in general. If such practices are carried out, they are considered actions that restrict or obstruct competition. Each of the referenced articles specifies a set of prohibited behaviors, which differ from one article to another.

These provisions show that such practices can affect both groups of economic operators and consumers alike. Moreover, these prohibited behaviors must not be carried out either collectively or individually. This interpretation is affirmed in Article 6(03-03 op. cit), which stipulates the prohibition of all agreements and practices concluded between parties active in the market whether these are explicit agreements or implicit understandings that would hinder or obstruct free competition in practice, or reduce the competitive process. These practices, whether aimed at affecting the entire market or a substantial part of it, can negatively impact groups of economic operators and consumers.

In this case, harm to the group of consumers may occur through an agreement between a number of operators to counterfeit a specific trademark, with the aim of generating higher profits at lower costs without obtaining permission from the original trademark owner. As a result, the products and goods offered on the market are presented as if they are original and of high quality, which misleads consumers and causes them to fall victim to commercial fraud due to the use of dishonest practices in competition. This clearly demonstrates harm not only to consumers' interests but also to the interests of legitimate economic operators targeted by these deceptive practices. When such actions are confirmed in the market, consumer protection associations, once informed by one or more consumers, initiate the process of gathering information on the operators who have violated fair competition rules. These associations then submit a notification to the Competition Council to undertake the appropriate measures against all those who have breached the regulations governing competition.

With regard to the amendment of Article 6 under Law 08-12, it did not undergo significant change. The legislator merely added a new clause, which prohibits or restricts the awarding of any public contract to individuals who commit or intend to commit acts or practices that restrict competition, as per Article 6 of Ordinance 03-03. This reflects the Algerian legislator's concern with preventing such individuals from monopolizing rights and powers that could distort the market in general, and harm the group of economic operators and consumers in particular, who are directly affected by anti-competitive practices.

Referring to Article 10 (08-12 op. cit), as amended by the same law, the legislator stipulates that any act hindering the freedom of competition, or any related disruption or prohibition, is considered a violation if it enables a particular company to monopolize any activity covered by the provisions of this ordinance. This article is understood to prohibit any company, or group of companies, from engaging in any form regardless of the means used that contributes to their dominance or exclusivity in the market by practicing activities governed by Ordinance 03-03, as such monopolization harms the interests of both economic operators and consumers.

It is also not subject to the provisions of Articles 6 and 7(03-03 op. cit) of Ordinance 03-03, the agreements and practices that contribute to the implementation of a legislative or regulatory text issued in application thereof. It is understood from this article that all the practices and agreements mentioned in Articles 6 and 7, which are in the process of implementing a legislative or regulatory text issued by the competent authority, are excluded.

The above indicates that in order for consumer protection associations to exercise the right to notify, they must first be familiar with the content of Article 44 of the same order, particularly the second paragraph. This is necessary to identify the acts and practices that fall within the jurisdiction of the Competition Council for appropriate consideration. These associations must have sufficient legal knowledge of the framework governing competition in order to properly establish the cases presented before the Council. This would enable effective adjudication and the confrontation of any practices that could harm consumer safety or financial interests, as well as combat all forms of commercial fraud and deception practiced by economic operators. This is crucial to prevent such operators from acting unilaterally and exacerbating their dominance in the market without being held accountable through formal notifications of their violations.

2.2- Conducting Investigation

Following the stage of notification submitted to the Competition Council, the investigation phase begins. This is one of the most crucial stages within the Council's procedures before any sanctions are imposed in accordance with Ordinance 03-03 and its amendments. During this phase, the verification of the information submitted to the Council is initiated, along with an examination of any elements that might support the subject of the dispute. The objective is to resolve all disputes brought before the Council. According to Article 50 of Ordinance 03-03, the task of conducting investigations is assigned to the rapporteur. However, following the amendment introduced by Law 08-12, which modified Article 50 (08-12 op. cit), the responsibility now falls to multiple rapporteurs, rather than just one as was previously the case. This is in addition to the principal rapporteur already present within the Competition Council. These investigations are undertaken upon authorization from the President of the Competition Council.

According to the second paragraph of the amended Article 50, in cases where the issues or disputes presented to them are not accepted—because they fall under the provisions of Article 44 of Order 03-03 as previously discussed—the President of the Competition Council must be informed with a well-reasoned opinion explaining the grounds for such rejection. Furthermore, if the matters in question or the activities involved fall under the supervision of a regulatory authority, coordination must be established with the relevant departments of that authority, as they possess greater expertise in overseeing these specific activities. This coordination also facilitates the investigation process for the rapporteurs in gathering sufficient information to be submitted to the Council President.

Regarding the deceptive commercial practices that consumers may be exposed to, Law No. 04-02 (04-02, 2004) dated on June 2th, 2004, as amended and supplemented, was established to define the rules applicable to commercial practices. This law addresses the relationship between economic operators and consumers, emphasizing that such practices must be based on the principles of transparency and integrity between both parties. The aim is to provide protection to consumers from the various risks they face in the marketplace, as stated in Article 1 (Ibid) of the law.

Moreover, a fourth chapter was added under the title "Unfair Commercial Practices. According to Article 27 (Ibid), paragraph 2, it prohibits the imitation of distinctive trademarks belonging to competing economic agents. It also forbids any conduct that might contribute to imitating the products or services of economic agents competing with the original economic operator. This indicates that such acts may give rise to commercial fraud, whereby the consumer is misled into believing that the product is manufactured according to global standards and is identical to the original trademark. As a result, the consumer may purchase it at a high price, only to later discover that they have been the victim of deception.

This shows that there must be constant coordination between consumers and consumer protection associations. These associations work to shield consumers from harmful commercial practices and fraud. They're also the official bodies allowed by law to notify the Competition Council if there's any case of fraud or deceptive behavior targeting consumers—such as misleading them or taking their money unlawfully.

3. Conclusion

To sum up, it can be said that the Competition Council plays a significant role in combating the phenomenon or crime of commercial fraud committed by economic agents against consumers or by unauthorized individuals who practice commerce while posing as legitimate traders. As a market regulatory authority, the Competition Council

strives to maintain balance among economic operators and uphold the principles of transparency and integrity in their dealings.

This council also pays particular attention to aspects related to consumer protection against commercial fraud to which they might be exposed. This is carried out through notifications issued by legally authorized bodies, provided that such notifications fall within the powers granted to the council by Algerian legislation. Subsequently, the council is authorized to launch investigations into cases brought before it concerning offenses of deception, misrepresentation, or commercial fraud committed against individual consumers or groups of them.

All of this is driven by the goal of combating unethical practices that harm the consumer, who is considered the weakest link in the market and generally lacks the necessary knowledge and expertise to distinguish between counterfeit and original products, or between poor-quality and high-quality goods. The ultimate aim is to protect consumers from spending their money on goods and services that do not merit the price paid.

Accordingly, this leads us to present a series of Suggestions in this article, summarized in the following points:

- Consistent communication between consumer groups and consumer protection associations.
- Notifying consumer protection associations if any signs of commercial fraud or deception are detected.
- Intensifying monitoring by consumer protection associations as well as the official bodies responsible for this task.
- Launching awareness campaigns by the Competition Council to inform consumers about potential future risks from economic operators.
- Requiring economic operators to provide electronic product readers and payment-related devices to help identify expired or valid products and to facilitate monitoring.
- Expanding the powers of the Competition Council in market monitoring, including the goods, products, and services offered by institutions and economic operators—beyond simply responding to reports from specialized bodies. This aims to prevent fraudulent and unethical practices.

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Conflict of Interest

The authors of this research paper declare that there is **no conflict of interest** in this research paper with any academic body, as this research paper includes an analytical study of legal texts.

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