

***Republic of Tunisia***  
***Local and International Arbitration Center***  
***“AL-INSAF”***

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**OUTLINE ON THE ADHERENCE OF THE TUNISIAN REPUBLIC TO THE INTERNATIONAL ARBITRATION SYSTEM AND ON THE NATIONAL LEGISLATION AND MAINLY THE ONE RELATING TO THE MECHANISM OF THE INTERNATIONAL COMMERCIAL ARBITRATION.**

First and foremost, we should mention that the examination of the historical steps of adherence of the Tunisian State to the system of the International Commercial arbitration, whether at the International level as well as at the regional and bilateral level, shows that Tunisia started with adhering to the convention of the united nations, adopted in New-York in 1958, and regarding the execution of foreign arbitral sentences, before adhering to the following international conventions:

- Ratification of the international convention passed in Washington in 1965, for the regulation of the UN commission “**UNCITRAL**” of the international arbitration, by the law n°33-1966 dated 03/05/1966.
- Ratification of the Arab convention of investment, by decree n°04-1972 of 17/10/1972, promulgated by the law n°71-1972 of 07/11/1972.
- Ratification of convention of the Islamic Congress passed in "JEDDAH" the month of June 1982, for measures of generating, protecting and ensuring the means of investment between the concerned countries, by the law n°82-1983 dated 11/01/1983.
- Ratification of the Arab convention for the international commercial arbitration, passed in Jordan in 1987, by the law n°47-1987 dated 19/05/1988.
- Ratification of the international convention "URUGUAY" for international trade, passed in "MARRAKECH " on 15/04/1994, by the law n°6-1995 dated 23/01/1995.

There is place to mention by the same opportunity, some conventions concluded by the Tunisian State with various brothers and friends countries as regards international arbitration, as follows:

- **Ratification of the convention passed in "BONN" on 19/07/1966, between the Tunisian Republic and the Federal Republic of Germany for the ratification and**

the enforcement of international arbitration sentences, by the law N° 619-1966 dated 26/07/1966.

- Ratification of the convention passed in "ROME" on 15/11/1967 between the Tunisian Republic and the Italian Republic.

- Ratification and enforcement of the international arbitration sentences, by the law N° 24-1970 dated 19/05/1970.

- Ratification of the convention passed on 13/06/1970, between the Tunisian Republic and the Emirate of Kuwait, for the ratification and the enforcement of international arbitration sentences, by the law N° 46-1980 dated 25/07/1980, promulgated by the law N°69-1995 dated 17/07/1995.

- Ratification of the convention passed in "WARSAW" on 22/03/1985, between the Tunisian Republic and the Polish Republic for the ratification and enforcement of international arbitration sentences, by the law N°13-1986 dated 15/02/1986.

- Ratification of the convention passed on 12/04/1993, between the Tunisian Republic and the Greek Republic for the ratification and enforcement of international arbitration sentences, by the law N° 70-1993 dated 12/07/1993.

Besides the organizations principles expressed in the Tunisian Code of Arbitration, we should mention that the mechanism of arbitration requires, the existence of conditions allowing it to be implemented. These conditions relate to the national legislation in the various domains of the economic and social life, the development and the investment, mainly in disputes that arise between parties, either in the scope of internal arbitration, or in the cases where the parties opt for the submission to the Tunisian Law, on occasion of litigations being matter of international arbitration. To this effect, we intend to present an important part of the Tunisian legislation in force in the various fields as well as the laws and regulations determining the procedural and organizational rules applicable in the daily national life. Furthermore, will be exposed, below, the other codes and laws organizing the framework of the Tunisian public life.

Code of obligations and contracts, created by the decree dated December 15 <sup>th</sup> , 1906.
Penal Code created by the decree dated July 9 <sup>th</sup> , 1913.
Code of Personal Statute, created by the decree dated august 13 <sup>th</sup> , 1956.
Code of civil and commercial procedures, created by the law N° 130-1959 dated October 5 <sup>th</sup> , 1959.
Code of commerce, created by the law N° 129/1959 dated October 5 <sup>th</sup> , 1959.
Law N° 40-1998 dated June 2 <sup>nd</sup> , 1998, relating to the means of commercial sale and advertising.
Law N° 39-1998 dated June 2 <sup>nd</sup> , 1998, regulating the sale with deferred payment.
Law N° 117-1992 dated December 7 <sup>th</sup> , 1992, relating to the protection of

consumer.
Code of maritime trade, created by the law N° 13-1962 dated April 24 <sup>th</sup> , 1962.
Law of forwarders, N° 32-1995 dated April 14 <sup>th</sup> , 1995.
Code of commercial maritime occupations, created by the law N° 33-1995 dated April 14 <sup>th</sup> , 1995.
Code of maritime ports, created by the law N° 25-1999 dated march 18 <sup>th</sup> , 1999.
Law N° 76-95 dated June 11 <sup>th</sup> , 1976, relating to the redrafting of the marine navigation police legislation.
Code of social security, created by the law N° 27-1966 dated April 30 <sup>th</sup> , 1966.
Code of penal procedures, created by the law N° 32-1968 dated July 24 <sup>th</sup> , 1968.
Code of exchanges and external trade, created by the law N° 41-1994 dated March 7 <sup>th</sup> , 1994.
Law N° 93-1999 dated august 17 <sup>th</sup> , 1999, promulgating the combustible products.
Code of labour, created by the law N° 27-1966 dated April 30 <sup>th</sup> , 1966.
Law N° 21-1998 dated March 11 <sup>th</sup> , 1998, relating to multi-means transportation.
Law N° 2000-93 dated November 3 <sup>rd</sup> , 2000, regarding the enactment of the code of commercial companies as completed by the law N° 117-2001 dated December 6 <sup>th</sup> , 2001.
Code of commercial register, created by the law N° 44-1995 dated May 2 <sup>nd</sup> , 1995.
Law 2001-36 dated April 17 <sup>th</sup> , 2001, relating to the protection of trade marks and services.
Law N° 1-2001 dated January 15 <sup>th</sup> , 2001, regarding the promulgation of the code of communications.
Code of post, created by the law N° 38-1998 dated June 2 <sup>nd</sup> , 1998.
Road code, created by the law N° 41-1978 dated July 6 <sup>th</sup> , 1978, promulgated by the law N° 71-1999 dated July 26 <sup>th</sup> , 1999.
Code of insurances, created by the law N° 24-1992 dated March 9 <sup>th</sup> , 1992.
Code of arbitration, created by the law N° 42-1993 dated April 26 <sup>th</sup> , 1993.
Code of duties of registration and stamp, created by the law N° 53-1993 dated May 17 <sup>th</sup> , 1993.
Law N° 82-2000 dated august 9 <sup>th</sup> , 2000, regarding the promulgation of the code of fiscal procedures and duties.
Code of international law, created by the law N° 97-1998 dated November 27 <sup>th</sup> , 1998.
Law N° 35-1976 dated February 18 <sup>th</sup> , 1976, regulating the relations between

tenants and landlords of premises for housing, profession and public administration use.
Law N° 37-1977 dated may 25 <sup>th</sup> , 1977, regulating the relations between tenants and landlords regarding the renewal of leases of flats and premises for commercial, industrial or handicraft use.
Law on agricultural leases N° 30-1987 created on June 12 <sup>th</sup> , 1987.
Law N° 88-18 dated April 2 <sup>nd</sup> , 1988, regarding the promulgation of the code of agricultural investments and fishing.
Law of nomenclature indicating the origin and source of agricultural products N° 57-1999 dated June 28 <sup>th</sup> , 1999.
Law on investments promotion N° 120-1993 dated December 27 <sup>th</sup> , 1993.
Code of town planning and development N° 122-1994 dated November 28 <sup>th</sup> , 1994.
Law of real estate promotion legislation N° 24-2000 dated November 11 <sup>th</sup> , 2000.
Law of responsibility and technical control in the field of town planning N° 9-1994 dated January 31 <sup>st</sup> , 1994.
Law of collection companies N° 4-1998 dated February 2 <sup>nd</sup> , 1998.
Decree on public transactions N° 3158-2002 dated December 17 <sup>th</sup> , 2002.

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**REVIEW OF LEGISLATIVE TEXTS OF REPRESENTATIVES OF LAW AND ORDINARY ARBITRATION**

Law N° 37-1958 dated march 15 <sup>th</sup> , 1958, regulating the functions of lawyers, enacted by the law N° 37-1989 dated September 7 <sup>th</sup> , 1989.
Code of professional companies of lawyers, created by the law N° 65-1998 dated July 20 <sup>th</sup> , 1998.
Decree dated June 24 <sup>th</sup> , 1957, regulating the functions of bailiffs and process-servers, promulgated by the law N° 60-1994 dated may 23 <sup>rd</sup> 1994.
Decree dated June 24 <sup>th</sup> , 1957, regulating the profession of bailiffs and process-servers, promulgated by the law N° 29-1995 dated March 1st, 1995.
Law N° 14-1960 dated March 23 <sup>rd</sup> , 1960 regulating the profession of sworn translators, promulgated by the law N° 80-1994 dated July 4 <sup>th</sup> , 1994.
Law N° 61-1993 dated June 23 <sup>rd</sup> 1993, regulating the profession of judicial experts.
Law N° 38-2002 dated April 11 <sup>th</sup> , 2002, regulating the profession of certified public accounts.
Decree N° 1155-93 dated may 17 <sup>th</sup> , 1993, regarding the revision of the legislation relating to the profession of certified public accountant.

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