

## National public policy and its framing of startups Algeria case

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**Abstract---**Startups are considered an alternative strategy in the economic field in Algeria, as we no longer wish to rely on the hydrocarbons sector, as stated by the President of the Republic. However, it is time to utilize frameworks, competencies, and invest in human resources and their intellectual capital in various fields. All of this falls under the umbrella of national public policy and its framing of startups for their success, to rely on them to raise the level of the economy, reduce unemployment, improve the standard of living, and even encourage competencies to engage in independent work according to the dictates of laws regarding work and how to establish medium or small-sized enterprises. Consequently, this study aims to answer the following question: How does national public policy contribute to framing startups in Algeria?

**Keywords---**National Public Policy, Startups, Algeria, Legal Framework, Business Support, Financing, Knowledge Economy.

### 1. Study Concepts

- The Startup:

The literal meaning of the term "startup," an English-origin term, consists of two parts: "Start," meaning initiation, and "up," meaning growth. The combined meaning suggests that this enterprise is a small project that has just begun and is experiencing growth. In French terminology, it is defined as "jeune entreprise innovatrice dans le secteur des nouvelles technologie," i.e., young innovative enterprises in the modern technology sector, indicating that they are enterprises of a technological nature (Maghrabi & Seddouri, 2022, pp. 83-84).

These two terms have prompted extensive discussion among specialists and researchers attempting to provide a comprehensive definition of startups. We will attempt to address some definitions as follows:

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- \* Eric Reis defined it as: "a human institution designed to create a new product or service under conditions of extreme uncertainty."
- \* According to Tisserand-Barthole, a startup is "an innovative and young enterprise that is beginning to emerge, often having a small workforce."
- \* According to Ripsas Hentschel, a startup is "an enterprise with a history not exceeding 10 years."
- \* According to a report by researchers from the Universities of Berkeley and Stanford, a startup is: "a temporary organization designed to transform into a large enterprise. In the early stages of its activity, it seeks a good and appropriate fit for its products with market needs. In the maturity stage, startups seek a repeatable and scalable business model that will transform them into a large enterprise operating with high confidence" (Athamnia & Belabed, n.d., p. 360).
- \* Some have defined the startup as "an entity designed to create a new product or service under conditions of extreme uncertainty" (M. Y. Merbah et al., 2020, pp. 424-425).
- \* According to others, a startup is "a small, recently established project aimed at innovating and developing a new product or service in any sector, characterized by a high degree of risk," or "young creative enterprises in the field of information and communication technologies whose mission is to create and market new technologies" (M. Y. Merbah et al., 2020, pp. 424-425).

Observing these definitions, it is notable that many researchers focus on prominent common points embodying the concept of startups: they are young, recently established enterprises, projects, or organizations; their subject is products derived from a new idea, whether goods or services, under risky conditions; they are often linked to technology, although it is not necessary for the enterprise to operate strictly in the technology sector.

### 2.1.1. Subsection Two: The Legal Definition of Startups

It is well-established that the legislator typically does not provide definitions for legal terms, leaving it to jurisprudence or field specialists to assign the appropriate definition for startups.

Nevertheless, the Algerian legislator sought to define the innovative startup in the content of Article 06 of Law 15-21, the guideline law on scientific research and technological development, as follows: "the enterprise that undertakes the realization of basic or applied research projects or those carrying out research and development activities" (Al-Humsi Al-Kalaldeh, 2019, p. 23).

The Algerian legislator also attempted to refer to startups in the provisions of certain laws, such as Law 17-02 concerning the guideline law for small and medium enterprises. Article 21 states: "Loan guarantee funds and launch funds shall be established within the ministry responsible for small and medium enterprises, in accordance with applicable regulations, to guarantee loans for small and medium enterprises and promote startups within the framework of innovative projects."

And Law 19-04, the Finance Law for 2020, concerning the content of Article 69 related to a set of tax advantages benefiting the startup.

This served as a preamble for regulating them in a specific decree, namely Executive Decree No. 20-254 concerning the creation of a startup, an innovative project, and a business incubator, defining their tasks, composition, and operation, as well as the conditions for granting each label. The Algerian legislator defined the meaning of a startup in the provisions of Article 11, Chapter Four, titled "Conditions for Granting the 'Startup' Label," by listing a set of exhaustive criteria as follows (Mekhancha, 2021, pp. 755-756; Boualchaour, n.d., pp. 421-422):

- \* The startup must be subject to Algerian law.
- \* The age of the enterprise must not exceed eight (8) years.
- \* The enterprise's business model must be based on innovative products, services, a business model, or an innovative idea.
- \* The annual turnover of the enterprise must not exceed the amount set by the National Committee.
- \* At least 50% of the company's capital must be owned by natural persons, approved investment funds, or other enterprises holding the "Startup" label.

- \* The enterprise's growth potential must be sufficiently large.
- \* The number of employees must not exceed 250 workers.

Consequently, it is inevitable to say that the definition of startups in Algeria remained ambiguous during the past years until the issuance of Executive Decree No. 20-254, which defined the required criteria for acquiring the concept of a startup. Although this concept aligns with the general definitions prevalent in most countries (Boualchaour, n.d., pp. 421-422).

However, we deduce from the content of the above article that the legislator relied on several criteria, such as the number of workers (employing no more than 250), and capital owned at least 50% by natural persons, approved investment funds, or other enterprises holding the "Startup" label. Meanwhile, the legislator omitted others, for example, not including innovation as a basic criterion for granting the startup label, nor the technological dimension, within the aforementioned criteria. This undoubtedly indicates that the Algerian legislator did not restrict startups to a specific sector, nor the criterion of risk, as these enterprises start from nothing and face either success or failure.

## **2- Characteristics and Importance of Startups:**

Startups are distinguished by a set of characteristics that differentiate them from other enterprises, in addition to their paramount importance, especially at the economic level.

- Characteristics of Startups:

Startups have several characteristics, which we list as follows (Maziane et al., n.d., p. 31):

- \* They are characterized as scalable and productive enterprises.
- \* They are enterprises that support large enterprises by providing intermediate products.
- \* They are characterized by their high capacity to provide jobs, which will help reduce unemployment.
- \* They are characterized by helping to employ and invest savings.
- \* Meeting local market requirements and developing exports.
- \* Disseminating industrial values such as quality management, innovation, and division of labor.
- \* Ability to develop and innovate new products.
- \* Flexibility and rapid adaptability to environmental changes.
- \* Achieving high profitability compared to their small capital.

- Importance of Startups:

Startups derive their importance from their ability to achieve the following (S. Ben Ali, 2022, pp. 611-612):

- \* Contribution to the Gross Domestic Product (GDP) and thus diversification of the country's economic resources. They also enable optimal utilization of available local resources.
- \* Meeting the requirements of large enterprises for semi-finished products, among others.
- \* Wealth creation through reliance on modern technologies and the ability to innovate and create.
- \* Ease of achieving the innovative approach within startups.
- \* Effective contribution to creating new job opportunities and increasing competitiveness.
- \* Distinction by speed of decision-making and automatic flexibility, as well as readiness to take risks and developing team spirit, enabling them to absorb economic crises easily and smoothly.

## **3- Comparison between SMEs and Startups in Algeria:**

The term "startup" is relatively new in Algeria; however, this does not negate the existence of this type of enterprise on the ground. Most of these enterprises fall under the guideline law related to the promotion of small and medium enterprises (SMEs). Therefore, this section will clarify the concept of SMEs according to the Algerian legislator, as well as startups, and then attempt to identify the key differences between these two types of enterprises.

### **Section One: Small and Medium Enterprises (SMEs) in Algeria:**

Interest in SMEs has increased, particularly in encouraging their creation, sustainability, and facilitating financing procedures and methods. This aims to motivate actors to consider various alternative investment sectors to the hydrocarbons sector, especially the production of goods and/or services.

According to the Algerian legislator, an SME, regardless of its legal nature, is defined as an enterprise producing goods and/or services that meets the following criteria (H. Zaidi, 2023, pp. 10-11):

- \* Employs from one (1) to two hundred and fifty (250) persons.
- \* Its annual turnover does not exceed four (4) billion Algerian Dinars, or its total annual balance sheet does not exceed one (1) billion Algerian Dinars.
- \* It meets the criterion of independence: any enterprise whose capital is owned 25% or more by another enterprise or group of enterprises does not fall under the definition of SMEs.

### **Section Two: Startups in Algeria:**

The Algerian legislator views startups as any enterprise subject to Algerian law that respects the following criteria (Heragouna & Takrarout, 2024, p. 228):

1. The age of the enterprise must not exceed eight (8) years.
2. The enterprise's business model must be based on innovative products, services, a business model, or any innovative idea.
3. The annual turnover must not exceed the amount set by the National Committee.
4. At least 50% of the company's capital must be owned by natural persons, approved investment funds, or other enterprises holding the "Startup" label.
5. The enterprise's growth potential must be sufficiently large.
6. The number of employees must not exceed 250 workers (Heragouna & Takrarout, 2024, p. 228).

### **Section Three: The Difference Between SMEs and Startups According to the Algerian Legislator:**

Previously, there were no specific laws for startups in Algeria; all enterprises fell under the law related to SMEs. However, in the last two years, two ministries were created: one related to startups and a delegated ministry for business incubators. This led the Algerian state to take certain measures to assist in the creation and promotion of startups, hence issuing laws and decrees related to this aspect. Consequently, we now have decrees and laws specifically for startups, prompting the question: What are the differences between SMEs and startups in these new laws compared to previous legislation? To answer this, it is possible to highlight the main differences between SMEs and startups according to the laws and decrees governing each, including differences not present in the previous law (H. Zaidi, 2023, p. 11).

#### **2. The Legal Framework Governing Startups in Algeria: Between Administration, Support, and Financing:**

The field of startups has witnessed remarkable legal fertility as an expression of the Algerian state's will to guarantee this approach in pursuit of the desired economic change and **摆脱** reliance on hydrocarbons. However, what is noteworthy in this legal context is that the treatment was regulatory without allocating a specific legal space for startups, similar to what happened with SMEs. The legislator attempted to cover the absence of a specific law through regulatory decrees, sometimes directly addressing startups (First Requirement), and other times attempting to provide a supportive environment (Second Requirement), as we will explain further below (Feradj & Kharoubi, 2022, pp. 241-242).

#### **- Specific Provisions for Managing and Supporting Startups in Algeria:**

Desiring to overcome the significant delay in launching numerous initiatives aimed at creating startups and encouraging a culture of innovation and advanced technologies in various sectors, the Algerian legislator issued several regulatory texts governing the implementation of the new public policy and its conceptions, as will be detailed further.

#### **- The Legal Challenge in Establishing the Concept of Startups:**

Concurrently with the consensus startups have gained in Algeria among decision-makers and various economic strata due to the freedom they offer in trade and entrepreneurship, and their greater focus on human capabilities, not to mention preserving economic and social balance. Furthermore, following Algeria's accession to the Euro-Mediterranean project and signing the Global Charter on Small and Medium Enterprises in 2000, the Algerian legislator was obliged to keep pace with this promising economic approach with an encouraging legal arsenal. Before delving into the legal context governing startups, it must be recalled that the legislator's initial interest in this economic approach began by providing the legal groundwork for SMEs as the nascent stage for the emergence of these startups that now require specific legal support. Law No. 01-18, the guideline law on small and medium enterprises, was issued in 2001 and repealed in 2017 by Law No. 17-02, along with several accompanying regulations, notably Executive Decree No. 03-78 concerning the basic law for business nurseries/incubators (Feradj & Kharoubi, 2022, p. 242).

Returning to the emergence of startups as a contemporary economic approach, they emerged following the events of the 2019 Hirak (movement) in our country, which revealed corruption issues that undermined the public treasury. After returning to legitimate institutions with the election of the President of the Republic, the first building blocks for a series of changes began under the slogan "New Algeria," including those impacting the economic and social situation. The features of the new approach were clear with the appointment of the government under Presidential Decree No. 20-01, where many changes appeared in the government formation, including the creation of an independent ministry for small enterprises, startups, and the knowledge economy, not to mention two delegated ministries under the Ministry of Small Enterprises, Startups, and the Knowledge Economy: one specifically responsible for startups, and the other for incubators (Bakhti & Bouaounia, n.d., p. 536).

Following the above, Executive Decree No. 20-54 was issued to define the powers of the supervisory ministry for small enterprises, startups, and the knowledge economy. Within the framework of implementing the government's general policy and its action plan, the sector minister holds all powers related to developing small enterprises, startups, and the knowledge economy. He is also responsible, in consultation with various ministerial sectors, bodies, and associative movements, for establishing the national strategy for promoting and developing this field, and for promoting, supporting, and developing incubators, cyber parks, various technological poles, innovation and competitiveness hubs, in addition to promoting technology transfer and valorizing available research products, as detailed by the legislator in the provisions of the said decree.

Accordingly, the legislator granted the minister responsible for small enterprises, startups, and the knowledge economy the authority to initiate any legislative or regulatory text. To ensure the implementation of his tasks and achieve the various objectives of public policy in this field, he organizes the central administration and various institutions under his supervision. He may also utilize various international experiences by establishing cooperative relations within his competencies at the international and regional levels. To monitor the implementation of various provisions within his area of authority, the minister must establish a database for information, evaluation, and monitoring of various activities.

To activate the various powers stipulated in Executive Decree No. 20-54 on the ground, the process of establishing the supervisory and implementing structural arms followed under Executive Decree No. 20-55. The legislator organized the central administration of the Ministry of Small Enterprises, Startups, and the Knowledge Economy, which, under the authority of the minister, includes the Secretary-General, the Head of the Cabinet, the General Inspectorate, in addition to several directorates with different competencies: Directorate of Small Enterprises and Ecosystems; Directorate of Startups; Directorate of the Knowledge Economy; Directorate of Nurseries, Incubators, and Accelerators; Directorate of Information Systems; Directorate of Cooperation; Directorate of Regulation and Legal Studies; Directorate of General Administration.

- Legal Procedures for Support and Granting the Startup Label:

To establish startups on the ground, they must necessarily go through the National Committee placed under the supervision of the minister responsible for startups, fulfilling several specific conditions and criteria. This begins with submitting an application via the national electronic portal for startups, along with the following multiple documents (Article 13 of Executive Decree No. 20-254, 2020):

- \* Copy of the company's statutes;
- \* Certificate of affiliation with the National Social Security Fund (CNAS) accompanied by a nominal list of employees;
- \* Certificate of affiliation with the National Social Security Fund for Non-Employees (CASNOS);
- \* Copy of the financial statements for the current year;
- \* Detailed business plan of the enterprise;
- \* Scientific and technical qualifications and experience of the enterprise's employees;
- \* Where applicable, any intellectual property document, award, or prize received.

Responses to applications for obtaining the startup label must be provided within 30 days from the date of submitting the above file, with this deadline suspended in case of delay in submitting the remaining required documents. The legislator indicated that in case of notification regarding these documents and failure to submit them within fifteen (15) days, the application would be rejected. The legislator has done well, as it seeks speed in processing files to enter the world of activity, which also applies to the applicant enterprise.

After studying the enterprise's file by the competent National Committee and if the file proves positive, the "Startup" label is granted, valid for four (04) years, renewable under the same conditions. If the response is negative, the National Committee must justify the decision to allow for appeal, and the applicant is notified electronically. Various decisions granting the startup label are published on the national electronic portal for startups.

- Legal Compliance After Acquiring the Startup Label

The Algerian state's expression of its importance and will to launch a new economy did not stop at creating startups; it continued to support this path with numerous other regulatory texts, especially after the Algeria Disrupt 2020 national startup conference, attended by senior state officials including the President of the Republic and the Prime Minister, which saw the participation of over 1000 participants from startups, incubators, and various universities and research centers, as will be explained below.

- Regulatory Texts for Participation in Developing and Supporting Startups

By virtue of Executive Decree No. 20-356, the legislator established an institution for promoting and managing support structures for startups, with an industrial and commercial character, under the name "Algeria Venture." This entity serves as a tool in the hands of public authorities to implement the national policy for promoting and managing startup support structures. It is placed under the authority of the minister responsible for startups, possessing legal personality and an independent financial budget (Articles 01, 02, & 04(1) of Executive Decree No. 20-356, 2020; Bourezk, n.d., pp. 3-4).

A legal reading of the above reveals that this newly established support institution has legal personality, meaning it is founded on the necessity of a legitimate interest, the existence of a group of individuals representing it, and a will aiming to combine efforts towards a specific goal that individuals might be unable to achieve. This will ultimately grant it legal capacity with defined rights and duties, and on the other hand, the privilege of public authority in its administrative decisions and contract signing (Bourezk, n.d., pp. 3-4).

Following the above, the legislator entrusted, under Executive Decree No. 20-356, numerous tasks aimed at participating in the development and support of startups, including (Bourezk, n.d., p. 10):

- \* Participating, according to each field of activity, in implementing the national strategy for promoting and managing startup support structures.

- \* Preparing and implementing, in cooperation with various relevant stakeholders, annual and multi-year programs for developing and evaluating startup incubators and accelerators.
- \* Accelerating methodologies for monitoring enterprises holding the "Startup" label and innovative projects holding the "Innovative Project" label.
- \* Technological watch on various media to ensure the dissemination and distribution of all information related to innovation and entrepreneurship.

To ensure the execution of the aforementioned tasks, "Algeria Venture" can do the following (Bourezk, n.d., p. 10):

- \* Conclude deals and agreements in its field of activity with national or foreign bodies.
- \* Enhance development in industrial, commercial, real estate, and movable operations related to its activity.
- \* Carry out financial operations related to contributing to the capital of investment funds dedicated to startups.

With this new organization and support received by startups, bureaucracy will be minimised, particularly regarding the previous declaration in the trade register, which has been postponed until after actual production begins. It will also allow for flexibility regarding startup financing and risk-taking, especially by avoiding going through banks, ultimately granting confidence and desire to all innovative projects to participate in the new economic path (Bourezk, n.d., p. 10).

In the same endeavor aimed at supporting and participating in the promotion and development of startups, the legislator, by virtue of Executive Decree No. 20-374, transformed the National Agency for Youth Employment Support (ONSJ), previously under the supervision of the Minister of Labor and Employment, into the National Agency for Entrepreneurial Support and Development (ANAD) under the supervision of the minister responsible for startups. The latter seeks to provide consultation, utilizing local expert offices if necessary, and provide support and follow-up to young beneficiaries with projects free of charge, in addition to benefiting from various training programs carried out or requested by the agency.

### **3. Legal Frameworks for Startups in Algeria:**

The Algerian state issued two decrees related to startups and the national committee responsible for granting the startup label. This section will analyse these decrees, in addition to addressing the resulting economic effects of these laws (H. Zaidi & Abdelaoui, 2023, pp. 12-13).

#### **First Requirement: Executive Decree 20-254:**

Executive Decree No. 20-254, issued on September 15, 2020, establishes a national committee for granting the "Startup," "Innovative Project," and "Business Incubator" labels, defining its tasks, composition, and operation. We will address the key features of this decree and analyze the effects resulting from its application (Executive Decree No. 20-254, 2020, p. 11).

#### **Section One: Content of the Law**

Executive Decree No. 20-254 gave the starting signal for the national committee responsible for granting the startup label, as well as the innovative project and business incubator labels. The decree specifies the committee's tasks, working methods, and members, and details the conditions for granting each of the aforementioned labels, which can be shown as follows (Executive Decree No. 20-254, 2020, pp. 11-12):

#### **First: Conditions for Granting the "Startup" Label**

In addition to the previous conditions mentioned in the definition of startups, the applicant for this label must register on the national electronic portal for startups and attach the following documents (Executive Decree No. 20-254, 2020, p. 11):

- \* Copy of the trade register and tax identification card;
- \* Copy of the company's statutes;
- \* Certificate of affiliation with CNAS accompanied by a nominal list of employees;
- \* Certificate of affiliation with CASNOS;
- \* Copy of the financial statements for the current year;
- \* Detailed business plan of the enterprise;
- \* Scientific and technical qualifications and experience of the enterprise's employees;
- \* Where applicable, any intellectual property document, award, or prize received.

### **Second: Conditions for Granting the "Innovative Project" Label**

Any natural person or group of natural persons can apply for the "Innovative Project" label for any project related to innovation. They must register on the national startup portal and submit the following documents (Executive Decree No. 20-254, 2020, pp. 11-12):

- \* Project presentation and its innovative aspects;
- \* Elements proving significant economic growth potential;
- \* Scientific and/or technical qualifications and experience of the project team;
- \* Where applicable, any intellectual property document, award, or prize received.

The "Innovative Project" label is granted to the natural person or group of natural persons for a period of two years, renewable twice under the same conditions. Decisions granting the "Innovative Project" label must be published on the national electronic portal for startups.

### **Third: Conditions for Granting the "Business Incubator" Label**

Any structure belonging to the public or private sector, or a partnership between them, that proposes support for startups and innovative project holders in terms of housing, training, consultancy, and financing is eligible for the "Business Incubator" label. Applications are submitted via the electronic portal accompanied by the following documents (Executive Decree No. 20-356, 2020, p. 10):

- \* Detailed development plan of the business incubator;
- \* List of equipment made available to startups;
- \* Presentation of the various services provided;
- \* Presentation of the various proposed training and support programs;
- \* Curriculum vitae of business incubator employees, trainers, and mentors;
- \* List of start-ups incubated, if any.

Private sector business incubators add the following documents (Executive Decree No. 20-356, 2020, p. 10):

- \* Copy of the trade register and tax identification card;
- \* Copy of the statutes;
- \* CNAS affiliation certificate;
- \* CASNOS affiliation certificate;
- \* Copy of the financial statements for the current year.

### **Prospects and Reality of Startups in Algeria:**

Algeria has recently sought to increase attention and support for startups, especially with a genuine policy from public authorities to diversify the economy and seek real alternatives to hydrocarbons. The signs of this attention are embodied in the creation of a specific ministry responsible for startups and the knowledge economy, tasked with developing a roadmap to encourage idea holders to create their enterprises and provide all necessary support, both in terms of financing and providing the legal environment for this type of enterprise. Key measures taken to support startups in Algeria include:

- \* Establishing a legal, regulatory, and functional framework for starting up, as well as methods and means for performance evaluation and developing a financing roadmap, which will include the stock market and venture capital.
- \* Creating a special fund for financing startups in cooperation with public banks.

- \* Project to establish a National Innovation Council.
- \* Developing a financing roadmap for this type of enterprise involving the stock exchange and investment capital, determining how the diaspora can contribute, and applying full tax exemption mechanisms to enable youth to contribute effectively to decoupling the national economy from hydrocarbons.

#### Challenges Facing Startups in Algeria:

Startups, or what is termed entrepreneurship, face significant challenges in Algeria due to their nature and specificities on one hand, and their recent emergence requiring time to create and prepare a suitable environment for their development and support on the other. Startups based on an innovative idea find it difficult to materialize this idea into a tangible project because they face several challenges and obstacles that often prevent the success and continuity of startups. These challenges are:

- \* The novelty and limitations of both the idea of business incubators and startups in Algeria.
- \* Weak human resources, lack of qualifications, and insufficient background on entrepreneurship in Algeria, which faces many difficulties and challenges, especially concerning the lack of creative and innovative ideas.
- \* Bureaucratic procedures and the failure of legislation and laws to keep pace.
- \* Low government spending on scientific research, and the disconnect between the university and scientific research centers from the ground reality.
- \* Technical backwardness and failure to keep pace with developments in the global business environment.

Concerning operating business incubators, they suffer from the problem of being located far from urban areas and not conforming to common global incubator models, such as high rental costs for the infrastructure they provide to entrepreneurs (Heragouna & Takrarout, 2024, p. 228).

#### Conclusion

In conclusion, it can be said that the Algerian state's policy recently is oriented towards embracing, encouraging, and supporting startups. These decrees are a clear example, in addition to the announcement of the creation of a startup support fund, which will facilitate project idea holders to benefit from financial support from this fund, as well as technical support from the National Committee and the institution responsible for promoting and supporting startup structures to realize their projects. The creation of the national electronic portal for startups is also considered an important gateway for inventorying all idea and innovative project holders, facilitating access to support for them, and accompanying them in realizing their projects. It also helps them protect their ideas from theft and imitation, which is a very important step. The study concluded with the following findings:

- \* Startups are considered an essential pillar for building the national economy.
- \* The decrees issued and discussed in this study represent significant progress in the field of creating, supporting, and promoting startups.
- \* The application of these decrees has economic effects that contribute to achieving economic development, as startups are characterized by flexibility, adaptability, and rapid and increasing growth, in addition to contributing to reducing unemployment and building a cohesive economic fabric, which creates economic wealth for the country.
- \* The implementation of these decrees on the ground contributes to the optimal utilization of youth energies and talents available to them fully and protects them.
- \* These laws focus on properly directing financial, technical, and technological support to qualified individuals.
- \* These laws outline the work of business incubators, their operation, and the conditions for their establishment.

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