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***Basic Law No. 90 of 1988 dated August 2<sup>nd</sup> 1988 amending and completing Law No, 154 of 1959 dated November 7<sup>th</sup> 1959 on associations<sup>1</sup>***

*In the name of the people,*

Upon the approval of the Parliament,

The President of the Republic issues the following law:

**ARTICLE 1:**

Articles 3, 4, 5, 6, 9, 23, 24, 25, 27, 28 and 34 of the law No. 154 of 1959 dated on November 7<sup>th</sup> 1959 on associations shall be revoked and superseded by the following articles:

**Article 3 (new):**

Those who may wish to form an association shall file the following in the Province head offices or the district in which the social department exists;

- a. A statement involving the name of the association, its main cause, objective and head office;
- b. Five-copy lists stipulating the following:  
Names and titles of the association founders at any position of management and steering, their dates of birth, places of birth, profession, premise, ID numbers and date of issuance.
- c. Five copies of the Articles of Association.

The statement and the attached documents shall be signed by two or more of the founders and stamped, except for two copies. And a receipt shall be produced thereof.

**Article 4 (new):**

The association may not be legally created and fully acquire the right to initiate any activity unless after three months of the date of applying the statement indicated in article 3 (new) herein and without prejudice to the provisions of article 5 (new) hereunder and following the issuance in the official gazette of the Republic of Tunisia stipulating, particularly, the following:

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<sup>1</sup> Preparatory works

The Parliament deliberations and approval in session convened on July 20<sup>th</sup> 1988

- Name of the association, cause and objective.
- Names, titles and professions of its founders and those in charge of its management in any way whatsoever.
- Date and number of the receipt stated in article 3 (new) of this law.

When necessary and in consideration for the association's cause and objective, the three months period may be cut down by a decision of the Minister of Interior.

**Article 5 (new):**

The Minister of Interior may, prior to the expiry of the three- month period from the date of submitting the statement indicated in article 3 (new) herein, take a decision to disapprove the establishment of the association.

The disapproval decision shall be reasoned and notified to the concerned individuals. Such decision may be challenged as per the established procedures in the article on abuse of power provided for by law No. 40 of 1972 dated June 1<sup>st</sup> 1972 and related to the Administrative Court.

**Article 6 (new):**

Every amendment of the articles of association during the activity of an association shall be subject to the same conditions and procedures of its very establishment indicated herein by articles 3 (new), 4 (new) and 5 (new).

Every legally-established association shall duly inform the Minister of Interior or the concerned governor of all changes initiated within its administration or steering individuals.

**Article 9 (new):**

Every association that benefits from regular subsidies from the State, regional or local groups or public institutions to present its annual accounts, budgets and supportive documents thereto and its account shall be mandatorily subjected to an annual audit by the Audit personnel in the Ministry of Finance.

Every amount released from the State or the public associations that is not spent within twelve months for its specified purpose shall be transferred back to the State's Treasury.

**Article 23 (new):**

Regardless of the judicial repercussions that might be inflicted upon the founder or the director as a result of violating the legal texts, particularly those of a punitive nature, the Minister of Interior may, once extremely confident and in order to avoid jeopardizing the public order, issue a reasoned decision to temporarily close down the relevant association's premises or those used by it and to suspend every activity, meeting or convention of its members.

Such temporary closure and suspension of activity by the Minister of Interior shall not exceed fifteen days.

Upon the expiry of this term, and in case no judicial claims have been filed to dissolve the association, the latter may regain all of its rights unless such term has been further extended for no more than fifteen days by a permission issued by the Head of the competent court of first instance in writing.

**Article 24 (new):**

The Minister of Interior may request the competent court of first instance in writing to dissolve every association that has seriously breached the provisions of this law or it turned out to have objectives, activity and conduct that is contradictory to the general order and morals or when the association has engaged in activities that has a political stain.

The dissolution claim indicated herein shall be subject to the rules of the Civil and Commercial Pleadings bylaw.

**Article 25 (new):**

The Minister of Interior may, at any point of the dissolution procedures, request the head of the court of first instance in writing for an emergency rule for temporary closure of the association's premises and suspension of its activity.

The closure and suspension decision shall be applied upon issuance of the draft rule regardless of the appeal.

**Article 27 (new):**

In terms of the judicial dissolution, the association's dissolution shall legally be considered by the State Property Administration. The assets produced from the dissolution shall be earmarked for the establishments of social interests.

**Article 28 (new):**

In terms of dissolving the association, the benefits and gains generated through grants which haven't been expressly earmarked for an activity of assistance, the donor, heirs or successors may claim such grants back.

In case the gains and benefits have been donated for an activity of assistance, no claims may be filed to have them back unless by committing to utilize them for the established purpose thereof.

All claims for retrieval or demands shall be deemed invalid in case they weren't brought up against the liquidator within six months of the dissolution rule or the involuntary dissolution decision and the comprehensive provisions of the liquidator which acquired the force of judiciary are to challenge all those concerned.

**ARTICLE 2:**

The indicated law No. 154 of 1959 dated Nov. 7<sup>th</sup> 1959 has been supplemented by article 6 (IV bis) as follows:

**Article 6 bis:**

Associations that have been legally created shall inform the Minister of Interior and the concerned governor upon creation of any division, branch, detached entity or a subsidiary affiliated group that is under its management or in constant connection with it for a common system.

The notice thereof shall clarify the following:

- Names and titles of everyone in charge of these divisions, branches, detached entities or subsidiary affiliated groups, their DOBs, POBs, residence and professions.
- Number, date and place of ID issuance for each of them.
- Specific address for each division, branch, detached entity or subsidiary group.

Any change with regard to managers, address of any division, branch, detached entity or a subsidiary group shall be reported as per the provisions of the first paragraph of this article.

**ARTICLE 3:**

Associations that legally exist, upon the law's entry into force, shall register the lists provided for in paragraph (b) of article 3 (new) herein within no more than six months of the entry into force provided that all licenses and permits granted to the association are valid.

However, in case such registration did not take place; the associations will be deemed legally dissolved.

This basic law shall be published in the official gazette of the Republic of Tunisia and to be implemented as a State Law.

Tunis, August 2<sup>nd</sup> 1988

Zine El-Abidine Bin Ali