



Use of complementary currencies (CM), including a focus on the use of the legal figure of electronic money (EM), for co-production in public-private partnerships with agents of the social and solidarity economy, Tunisia

MedTOWN Project

Co-production of social policies with social and solidarity economy actors to fight poverty, inequality and social exclusion.





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[@medtownproject](https://www.instagram.com/medtownproject)

QUESTIONNAIRE PROJECTS PHASES AND LOCAL PARTNERS. MEDTOWN PROJECT. 3rd LOT.

**DEMOSTRATIVE ACTION. Name: Coproduction of the use of public spaces for women empowerment
MUNICIPALITY, REGION AND COUNTRY ACTION: Tunis, Tunisia**

BRIEF DESCRIPTION OF CONTEXT:

The National Strategic Plan Tunisie Digitale 2020 includes a growing use of Electronic Money in one of its main axes. It is regulated by the central bank and is covered by laws. Complementary Currencies, however, are nonexistent in the Tunisian legal space, the only mention of complementary currencies is included in the Penal code and is strictly forbidden.

ARRAY TO BE FILLED IN:

N°	ASPECTS TO BE REPORTED	ACTIONS	OTHER ACTIONS/ DISCLAIMERS	OTHER DISCLAIMERS
1 ¹	Existing applicable legislation governing CM and EM	<p>Point out this legislation</p> <p>The only applicable legislation forbids the use of CM</p> <p>Penal Code: Section XVIII - Counterfeiting and alteration of coins.</p> <p>- Article 185 - Is punished with life imprisonment whoever counterfeits or alters the fiduciary currency having legal tender in the Tunisian Republic, or participates in the emission or exhibition</p>	<p>Delivery Regulation</p> <p>- circular of the Central Bank of Tunisia n° 2006-01 of March 28, 2006 relating to the regulation of outsourcing operations,</p> <p>-Circular of the Central Bank of Tunisia n°2011-01 of January 06, 2011 relating to the conditions of provision of payment services by cell phone.</p>	<p>No regulation?</p>

¹ Especially related to the Social Solidarity Economy (SSE).



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of the said counterfeited or altered currencies, or in their introduction on the Tunisian territory.

-Article 187 (New). Amended by law n°89-23 of February 27, 1989- Is punished by twenty years of imprisonment whoever counterfeits or alters foreign currencies or participates in the issue, exhibition or introduction of counterfeit or altered foreign currencies

EM : See the table on EM and PSP where the EM regulations are covered entirely.

LAW N° 2000-83 OF 9 AUGUST 2000, RELATING TO ELECTRONIC TRADE AND EXCHANGE
https://www.cmf.tn/sites/default/files/pdfs/reglementation/textes-reference/loi_2000-83_090800_fr.pdf

- law n°2005-51 of June 27, 2005 relating to the electronic transfer of funds

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		<p>https://www.pist.tn/jort/2005/2005F/Jo0512005.pdf</p> <p>-law n° 2000-83 of August 9, 2000 on electronic commerce and trade</p> <p>https://www.cmf.tn/sites/default/files/pdfs/reglementation/textes-reference/loi_2000-83_090800_fr.pdf</p> <p>- Law of orientation n° 2007-13 of February 19, 2007, relating to the establishment of digital economy,</p> <p>http://www.itstunisie.tn/index.php?option=com_content&task=view&id=210&Itemid=150</p>		
2	Purpose of the regulation	<p>Target and final intention regulation</p> <p>CIRCULAR OF THE CENTRAL BANK OF TUNISIA N°2020-11 OF MAY 18, 2020</p> <p>- promote a favorable ecosystem for the</p>		

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		<p>development of digital payments and favorable to cash reduction and financial inclusion;</p> <ul style="list-style-type: none"> - establish a structured and standardized framework for mobile payment services that defines the roles and obligations of the various participants in the mobile payment chain; - standardize the minimum requirements for the various actors in the mobile payment services industry; - promote the security and efficiency of mobile payment services and enhance the trust of users of these services. 		
3 ²	<p>Consideration-Theoretical Definition CM and EM (According to regulation)</p>	<p>Transfer Definition</p> <p>EM :</p> <p>Article 9 :</p> <p>Electronic money is defined as any monetary value representing a claim on the issuer, stored on an electronic medium, issued in return for the</p>		<p>Indicate if there is no regulatory definition</p>

² Necessary for making comparative terms of equivalent concepts



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		<p>remittance of funds in an amount not less than the monetary value issued and accepted as a means of payment by third parties other than the issuer of the electronic money.</p> <p>The following are not considered means of payment: orders and cards issued and intended for :</p> <ul style="list-style-type: none"> - the acquisition of goods or services from the issuer of these orders or cards, - the consumption of a service or the acquisition of goods, provided that they are used exclusively for the purposes for which they were issued. 		
4	Scope of application of CM and EM legislation	<p>Territorial (Supranational, State, Regional, Local)</p> <p>State</p>	<p>Public/Private/Both</p> <p>Both</p>	<p>Referred to, enshrined in the Constitution or basic state law?</p> <p>Basic State Law</p>
5	Stakeholders Involved in CM and EM	<p>Administrations, Companies, NGOs, Associations, Collectives, etc...</p>	<p>Identify the actors involved in the functioning and development of CMs and EMs</p>	

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societies



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EM

https://unctad.org/system/files/official-document/dtlstict2022d3_fr.pdf

- E-Government and Project Management Office (PMO-PNS) Unit at the Ministry of Technologies and Communication

- Central Bank
 - Telecom Operators
 - Banks (private or public)
 - The Post
 - Société Monétique Tunisie

International Organizations :

-European Investment Bank
 - African Development Bank
 - Islamic Development Bank
 - GIZ
 - IFC Group World Bank
 - European Investment Bank

EM

- Strategic Council of Digital Economy (CSEN)

- Central Bank
 - Ministry of Finance
 - Société Monétique Tunisie

National Agency for Electronic Certification (ANCE/Tuntrust)

- Securing electronic transactions and exchanges in the fields of e-commerce, e-government, e-banking and e-finance.
- Development of electronic signature solutions

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		<p>- World Bank - International Bank for Reconstruction and Development</p> <p>International cooperation https://www.mtc.gov.tn/index.php?id=12&L=128</p>		
6	Administration - competent legislative body CM and EM	<p>Determine which bodies are responsible for creating applicable regulations</p> <p>Central Bank Ministry of Finance - Ministerial Commission on Electronic Commerce (CMCE)</p>	<p>To which administrative-territorial areas do these bodies belong and with what competence?</p> <p>The president of the republic Presidency of the Government</p>	
7	Administration - competent executive body CM and EM	<p>Determine which bodies are responsible for applying and enforcing the existing PP regulations</p> <p>Central Bank</p> <p>Defines regulation, exerts control on banks and financial establishments</p> <ul style="list-style-type: none"> • Supervises lending institutions, grants licenses for foreign currency operations • Considered the primary regulator for mobile money and e-payments 	<p>To which administrative-territorial areas do these bodies belong and with what competence?</p> <p>Présidence de la république Présidence du gouvernement</p>	

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- Partnered with the Societe Monetique Tunisie (SMT) to provide switching and clearing

**Ministry of Finance
Ministry of technologies and communication**

- Organizes the telecom sector, oversees planning, control, and supervision of activities

- Finances activities of the Tunisian Post Office, the Office National de Télédiffusion, and other ICT related activities

Ministry of Trade, Development and Exports

General Office of Digital Economy, Investment and Statistics

Société Monétique Tunisie

- Develops technology related to

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		<p>payments</p> <ul style="list-style-type: none"> • Manages switching and clearing on behalf of BCT 		
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8	<p>Measures promoting or encouraging CM and EM</p>	<p>Are there any specific measures, grants or incentives to promote PP and PPP actions?</p> <p>Yes</p>	<p>Indicate which ones and where they are regulated (indicating articles)</p> <p>National Strategic Plan « Tunisie Digitale 2020 »</p> <p>The NSP is articulated around 4 axes integrating 6 strategic orientations:</p> <p>Infrastructure Guarantee social inclusion and reduce the digital gap by improving access to information and knowledge, by democratizing access equipment, and by making broadband access widespread and implementing very high-speed broadband.</p> <p>e-Business Implementing a digital culture through the generalization of the use of ICTs in educational curricula and through the digitization of content.</p> <p>Co-production, a model for fair and sustainable societies</p> <p>Improving the competitiveness of business, all sectors combined, by investing in ICT and</p>	<p>Including tax benefits, social security, subsidies, etc.</p>
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			<p>positioning in the digital economy.</p> <p>e-Gov Evolve towards an e-Administration at the service of the citizen, fair, transparent, agile and efficient.</p> <p>Initiate the transition to a paper-free administration</p> <p>Supporting the creation of added value, a guarantee for the sustainability of organizations and jobs, by supporting entrepreneurship and stimulating innovation.</p> <p>Smart Tunisia Ensure the reduction of unemployment and the creation of 40,000 high value-added jobs in the digital and offshoring sectors and the creation of national champions.</p> <p>Transverse Ensuring the transition of Tunisia into All Digital via the establishment of a regulatory framework, governance and a suitable security environment.</p>	
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			<p>51.51% of households were connected to the internet in 2019, knowing that the goal of the plan was 100% in 2020.</p> <p>7400 jobs were created in 2018, while the plan called for 40,000.</p> <p>https://www.webmanagercenter.com/2021/03/31/465872/rim-jarou-le-plan-national-strategique-tunisie-digitale-2021-2025-est-en-cours-de-finalisation/</p> <p>The COVID-19 has been a hindrance to the projects implemented under this strategy. A national strategic plan Tunisia Digital 2021-2025 has been launched taking into account past experiences and learnings from the last period.</p> <p>https://www.ftusanet.org/wp-content/uploads/2016/02/Intervention_MTCEN_-_finance_digitale.pdf</p> <p>Carte Technologique https://oxfordbusinessgroup.com/analysis/online-push-regulators-look-overcome-obstacles-e-commerce-payment-and-access</p>	
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			<p>Efforts to improve payment capabilities have been underway since May 2015, when the Ministry of Communication Technologies and Digital Economy (Ministère des Technologies de la Communication et de l'Économie Numérique, MINCOM) launched the Digital Technology Charge Card, which allows users to make online purchases for software, mobile applications, web services and publications in support of entrepreneurial activities. Individual users are limited to TD1000 (€384) in annual purchases, but the programme has been expanded to IT companies, which can spend up to TD10,000 (€3840) annually.</p> <p>https://unctad.org/system/files/official-document/dtlstict2022d3_fr.pdf</p> <p>National Strategy for Financial Inclusion 2018-2022</p> <p>- December 2018, the Central Bank of Tunisia issued Circular No. 2018-16 governing the activity and operation of payment institutions to open the market for the provision of payment services to providers other than banks</p>	
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			<p>https://documents1.worldbank.org/curated/en/822451592422759317/pdf/Diagnostic-de-Economie-Numerique-de-la-Tunisie.pdf</p> <p>- The BCT is working with the Ministry of Finance and the Ministry of Communication Technologies and Digital Economy (MTCEN) as well as with telecom operators to facilitate the emergence of new digital financial services that are able to promote socio-economic development and financial inclusion, with for example new models of access to credit (draft law on Crowdfunding (collaborative financing) under preparation).</p> <p>https://documents1.worldbank.org/curated/en/822451592422759317/pdf/Diagnostic-de-Economie-Numerique-de-la-Tunisie.pdf</p> <p>- The Tunisian Post has developed in partnership with the startup DigitUs a payment offer DigiCash and has allowed in 2018, 1 million students to pay school fees online</p>	
9	Other CM and EM related legislation	Point out Regulations	Relationship influence with CS	

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		<p>Law No. 2020-37 of August 6, 2020, on "Crowdfunding"</p> <p>Article 1 - The present law aims to organize " Crowdfunding " to provide the necessary financing to projects and companies in order to promote investment, entrepreneurship, creativity and innovation.</p> <p>Art. 2 - For the purposes of this law, the following definitions apply - "Crowdfunding": the method of financing that relies on raising funds from the public via an internet platform dedicated to this purpose in order to finance projects or companies through investment in securities, loans, donations or gifts.</p> <p>http://www.tunisieindustrie.nat.tn/fr/download/news/2020/Loi_Crowdfunding-n2020-37.pdf</p>		
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10	Possibility of creating new CM and EM legislation	<p>How to carry it out, phases and persons to be involved</p> <p>Due to the current political context, this information is not confirmed</p>	<p>What Territorial-Administrative Scope?</p>	
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President of the republic
Assembly of People's Representatives

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2022 Constitution :

Article 68:

The President has the right to introduce a bill of law.

Representatives have the right to introduce a bill of law under the condition that it is introduced by at least 10 representatives.

Only the President may introduce bills of ratification of treaties and budget bills.

And the president's bills have priority.

Article 70:

The Assembly of People's Representatives may, for a limited period of time and for specified purposes, delegate to the President the power to issue decrees. These decrees are introduced to the Assembly for approval once the aforementioned period ends.

<https://tunisiacoup.com/2022/07/13/translation-of-kais-saieds-proposed-constitution/>

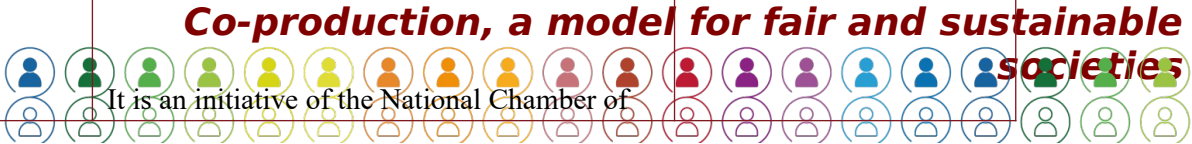
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11	<p>Possibility to amend existing legislation CM and EM</p>	<p>Way to do it</p> <p>Due to the current political context, this information is not confirmed</p> <p>2022 Constitution :</p> <p>Article 79:</p> <p>The Assembly of People’s Representatives ratifies basic laws by absolute majority while ordinary laws must be ratified by a majority of the members of the Assembly present as long as they represent no less than a third of the members.</p> <p>Article 80:</p> <p>In the case that the Assembly of People’s Representatives is dissolved, the President may issue decrees that are to be introduced to the Assembly for ratification during its first ordinary session.</p>	<p>What Territorial-Administrative Scope?</p> <p>President of the republic Assembly of People’s Representatives</p>	
12	<p>Problem Identification/Regulatory implementation CM and EM</p>	<p>Indicate whether there are any specific problems or loopholes in the EM and PSP regulation</p>	<p>Identify such problems, loopholes and other regulatory conflicts</p> <p>Lack of a law dedicated to cybercrime despite</p>	<p>Co-production, a model for fair and sustainable societies</p>



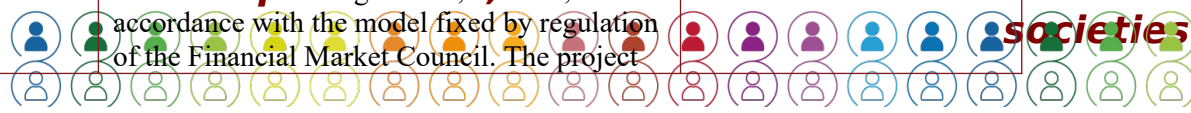
N°	ASPECTS TO BE REPORTED	ACTIONS	OTHER ACTIONS/ DISCLAIMERS	OTHER DISCLAIMERS
		Yes	<p>the establishment of the National Cybersecurity Strategy 2020-2025.</p> <p>https://unctad.org/system/files/official-document/dtlstict2022d3_fr.pdf</p> <p>the regulation of electronic and mobile payments, unsuited to e-commerce operations;</p> <p>the lack of interoperability between the various electronic and mobile payment methods.</p> <p>The non-exhaustiveness of the regulatory framework governing digital financial services.</p> <p>https://documents1.worldbank.org/curated/en/822451592422759317/pdf/Diagnostic-de-lEconomie-Numerique-de-la-Tunisie.pdf</p>	
13	CM, EM and other regulations applicable to the Demonstration Action (Concrete Project)	<p>Providing legislation that regulates and conditions the execution and development of the project</p> <p>LAW N° 2000-83 OF AUGUST 9, 2000, ON ELECTRONIC TRADE AND EXCHANGE</p>	<p>Label of confidence :</p> <p>National label to facilitate trade on the Internet, helping consumers and sellers to buy and sell throughout Tunisia and from abroad on Tunisian e-commerce sites.</p> <p>Co-production, a model for fair and sustainable societies</p> <p>It is an initiative of the National Chamber of</p>	



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		<p>CIRCULAR OF THE CENTRAL BANK OF TUNISIA N°2020-11 OF MAY 18, 2020</p>	<p>Electronic Commerce and Remote Sales SEVAD, the INC, the ODC and the Tunisian Ministry of Commerce, to frame the evolution of the sector of e-commerce in Tunisia. https://www.labeldeconfiance.tn/consomateurs/label-de-confiance/</p> <p>CIRCULAR 2015-05 ON INTERNATIONAL TECHNOLOGY CARD PAYMENTS https://www.bct.gov.tn/bct/siteprod/actualites.jsp?id=130</p> <p>Circular to Authorized Intermediaries n°9102-02 of the central bank https://www.bct.gov.tn/bct/siteprod/documents/Cir_2019_02_fr.pdf</p> <p>Law No. 2020-37 of August 6, 2020, on "Crowdfunding"</p> <p>Art. 30 - The projects presented on the platform "Crowdfunding" in investment in securities are exempted from the obligation to prepare a prospectus. The project holders must submit to the Financial Market Council a short note which includes in particular the description of the project, the activity of the company, the structure of its capital and the financial situation of the company, and this, in accordance with the model fixed by regulation of the Financial Market Council. The project</p>	
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			<p>holders must also publish the note provided for in the second paragraph of this article, on the platform before proceeding to the collection of funds. The Financial Market Council may request any additional information it deems necessary to assist contributors in making decisions.</p> <p>-Financial services offered by the Tunisian Post:</p> <p>Payment of bills, fines, taxes (E-Dinar Smart)</p>	
14	Are there other forms of currencies other than legal tender or are they prohibited?	<p>Point out</p> <p>Prohibited</p>	<p>If so, what legal and juridical framework applies to it?</p> <p>Section XVIII of the Tunisian penal code</p>	<p>Are they accepted by the public sector and by the private sector or individuals?</p>
15	Are there any financial services other than legal tender provided by financial institutions?	<p>Point out. In particular, clarify whether they are related to SSE.</p> <p>No</p>	<p>If so, what legal and juridical framework applies to it?</p>	<p>Are they accepted by the public sector and by the private sector or individuals?</p>
16	Apart from the State/Government and associated banks (Central Banks) are there other institutions that can issue	<p>Indicate which ones and the regulations</p> <p>No</p>		

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	legal tender and electronic money?			
17	Are the services paid for with these local currencies (Complementary Currency Systems, CCS) subject to VAT, social security or other similar taxes and charges?	Indicate which ones and the regulations. No	Indicate which services would not be taxed, if any, or free of which specific charges and taxes.	
18	Is there any kind of legal security (insurance) coverage backing local currency and e-money related to the SSE?	Indicate which ones and the regulations. CIRCULAR OF THE CENTRAL BANK OF TUNISIA N° 2018 -61 Article 3: In accordance with the provisions of paragraph 5 of Article 21 of the aforementioned Act No. 2016-48, payment institutions must take out professional liability insurance or a bank guarantee in an amount sufficiently adequate to their own funds to cover their liability when providing payment services.	Explain what this security cover consists of and who provides it. The minimum amount of the insurance policy or bank guarantee must be determined by payment institutions based on the following criteria: - the risk profile of the institution, - the type of activity and payment services provided by the institution, and - the volume of activity of the institution. Payment institutions must establish a methodological approach for calculating the insurance policy or the bank guarantee and submit this approach to the prior approval of the Central Bank of Tunisia.	
19	Is there an inventory, ledger or similar document that records and preserves transactions based on local	Indicate which ones and the regulations. CIRCULAR OF THE CENTRAL BANK OF TUNISIA N° 2018 -61	Explain how these records are produced and who makes them. Article 9: Payment institutions must have: - an information system appropriate to the	

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	currency?		<p>nature and complexity of payment transactions ;</p> <ul style="list-style-type: none"> - a security system for operations that ensures full traceability of payment operations carried out and funds collected, records the operations carried out, has the position of all open payment accounts and prevents the risk of intrusion and the risks related to fraud by means of organizational measures and prevention tools; - a registration and processing system for payment transactions in real time, both at the level of the payment institutions themselves as well as at the level of their networks of payment agents as defined in Title IV of this circular. <p>https://www.bct.gov.tn/bct/siteprod/documents/Cir_2018_16_fr.pdf</p>	
20	Other issues to highlight	<p>Issues considered relevant with respect to the regulations governing CMs and EMs</p> <p>No issue to highlight</p>		

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CHALLENGES & RECOMMENDATIONS:

To be completed by the local partner

Establishing a legal framework for complementary currency.

MEASURES TO BE IMPLEMENTED:

To be completed by the local partner

OTHER INTERESTING SUGGESTIONS/NOTES:

To be completed by the local partner

IDENTIFIED CONFLICTING ISSUES (if any):

To be completed by the local partner

EXAMPLES OF ACTIONS DEVELOPED IN THE FIELD OF SSE IN THE COUNTRY, REFERENCES AND HOW THEY HAVE BEEN DEVELOPED (if any):

To be completed by the local partner

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