

**Council of Ministers' Decree No. 188 of 2012 A.D Issuing the Implementing Regulations of  
Volume Eight of the Commercial Activity Law No. 23 of 2010, on Regulatory Provisions of  
Import and Export Activities**

**The Council of Ministers**

Having examined:

- the Constitutional Declaration and amendments made thereto,
- the State's Financial System Law, and the Budget, Accounts, and Warehouses Law, and amendments made thereto,
- Customs Law No. 10 of 2010 A.D and its implementing regulations,
- The Commercial Activity Law No. 23 of 2010 A.D,
- the Minister of Economy's letter No. 891 dated 19/03/2012 A.D;
- and the decisions made by the Council of Ministers in its 15<sup>th</sup> ordinary meeting in the year 2012 A.D

**Decrees the following:**

**Article 1**

The Implementing Regulations of Volume Eight of the Commercial Activity Law No. 23 of 2010, on Regulatory Provisions of Import and Export Activities shall be put into effect in accordance with the provisions of the present Decree.

**Article 2**

The present Decree shall enter into force on the day of its issue, and repeal all provisions contrary to it. It shall be enforced by all concerned authorities, and be published in the official gazette.

**The Council of Ministers**

Issued on 30 Jumādā al-ūlā 1434 AH, or 22/4/2012 AD.

**Implementing Regulations of Volume Eight of the Commercial Activity Law No. 23 of 2010, on Regulatory Provisions of Import and Export Activities, enclosed with the Council of Ministers' Decree No. 188 of 2012 A.D**

**Article 1 - Definitions**

The following terms shall have the meaning assigned to them, unless otherwise indicated in the context:

- **The Law:** Law No. 23 of 2010 A.D on Commercial Activity.
- **The Ministry:** The Ministry of Economy.
- **The Minister:** The Minister of Economy.
- **The Regulations:** The Implementing Regulations of Volume Eight of the Commercial Activity Law No. 23 of 2010 A.D, on Regulatory Provisions of Import and Export Activities.
- **The Competent Authority:** The Foreign Trade and International Cooperation Authority.
- **Import:** The entry of goods into the country through the customs ports.
- **Export:** The exit of goods from the country through the customs ports.
- **Import for private use:** all capital assets, spare parts, raw materials, advertising materials, and other materials imported (for non trading purposes) to be used for the benefit of the importer's business and not their own personal benefit.
- **Import for personal use:** All items imported by natural persons for their own or their family's benefit, of commodities suitable in terms of quality and quantity, for personal or family use, and in a manner that does not serve any trading purposes.
- **Outside:** outside the Libyan customs border.
- **Commodity or goods:** all types of movables.
- **Type of commodity or goods:** the category under which the commodity or good is listed in the tariffs schedule.
- **Prohibited commodities or goods:** all commodities and goods subject to an import or export ban in accordance with the Law and the provisions of the present Regulations.
- **Exclusive commodities or goods:** commodities and goods which import is exclusive to one specific entity.
- **Means of transportation:** the ships, airplanes, cars, trains, animals and other means used to transport goods and commodities.

**Chapter 1- General Provisions**

## **Article 2- Free trade**

Commodities and goods allowed to be exported or imported are not subject to licensing or prior authorization, provided that their import or export is performed in accordance with the applicable banking procedures, and that the exporter or importer is registered in the Register of Exporters and Importers.

## **Article 3- Prohibited and exclusive imports and exports**

The following shall be determined by virtue of a Decree issued by the Minister, for religious, health, environmental, security, or preventive considerations or in implementation of international agreements:

- 1- Commodities and goods subject to an import or export ban.
- 2- Commodities and goods subject to exclusive import or export.

## **Article 4- Restriction, prevention and ending of import and export**

The Minister, alone, is entitled to issue a reasoned decision restricting, preventing, or ending the export or import of any commodity or goods, or excluding any commodity or goods from the lists of commodities and goods that are subject to prohibition or exclusivity, on a temporary or permanent basis.

The Minister may also, in accordance with the requirements of the public interest, reconsider the lists of commodities and goods that are subject to import or export ban or exclusivity.

## **Article 5- Requirements for registration in the register of exporters and importers**

### **a- For natural persons:**

- 1- To be of Libyan nationality
- 2- To be registered in the commercial register
- 3- To be free of conviction of any crime involving moral turpitude or dishonesty, and not bankrupt, unless rehabilitated.

### **b- For legal persons:**

- 1- To be an institution duly established in Libya
- 2- To have import and export activities among their objects
- 3- To have their capital fully owned by Libyan natural persons or companies that do not involve foreign shareholders, and remain so throughout the duration of the company.

## **Article 6- Application for registration in the register of exporters and importers**

The application for registration in the register of exporters and importers shall be submitted, in original and copy, after being signed by the applicant or their agent, or the legal representative of the agent wishing to engage in the trading activity. The application shall include the following:

- 1- The applicant's name, trade name, and trademark, if any.
- 2- The address and headquarters of the agent wishing to engage in the trading activity.
- 3- The type of trading activity.
- 4- The category of commodities which the applicant wishes to import.

## **Article 7- The categories of imported commodities**

The categories of commodities which the import agents are allowed to register in are specified in the appendix to the present Regulations.

Every import agent shall have their trading activity limited to one category. They may not make any amendment to their activity without registering such amendment in the register of exporters and importers, in accordance with the procedures adopted in the commercial register and the register of exporters and importers.

# **Chapter 2- Export Regulations**

## **Article 8- Types of export**

All locally produced commodities and goods may be exported, and all imported commodities may be reexported by export agents mentioned in the law, or by the producers of such commodities, in accordance with the legislations in force, with the exception of commodities and goods subject to an export ban.

The term "Export" includes:

- 1- Final export.
- 2- Temporary export.
- 3- Reexport.

## **Article 9- Export and reexport in the framework of project implementation**

Branches of foreign companies implementing projects in Libya may export and reexport the machinery and equipment supplied for them, or bought from the local market and used for the purpose of project implementation.

National trading agents executing or managing projects outside Libya may export and reexport their machinery and equipment and operating supplies needed for the management or implementation of projects contracted or assigned to them outside Libya.

In both cases, it is necessary to obtain a prior approval in accordance with the terms and conditions set forth in the decision issued by the competent minister, including the entity authorized to give such approval.

#### **Article 10- Reexport in special cases**

Trading agents may reexport the equipment, machines, and spare parts that they had imported when such items are inconsistent with the required specifications or have technical failures.

Trading agents may reexport the equipment, machines, and spare parts for development-related purposes or in the case of selling off a business, provided that they submit a statement proving the absence of any financial obligations owed to third parties.

Commodities and goods subject to exclusive export shall be reexported by the same agents.

#### **Article 11- Carrying personal belongings**

Carrying personal belongings upon departing Libya is allowed, including durable commodities and goods and personal transport vehicles, with the exception of commodities and goods that are subsidized or which export is exclusive to specific entities, subject to the following conditions:

- 1- That the importer be a natural person or legal person duly established with their articles of association providing for the practice of import, and be registered in the register of exporters and importers.
- 2- That the import of commodities and goods, object of the importer's activity, be based on the schedule of commodities enclosed with the present Regulations.
- 3- That the import be carried pursuant to the applicable banking procedures.

#### **Article 13- Import for private and personal use**

Trading agents may import machines, equipment, raw materials, and operating supplies within the limits of their own needs, or to execute their contractual obligations inside Libya within the requirements of such contracts.

The trading agents mentioned in the first paragraph of this Article shall be exempt from the obligation to register in the register of exporters and importers.

Individuals may import transport vehicles, household furniture and tools and electronic and electrical appliances, and construction materials for their own personal use.

## **Article 14- Conditions regulating the import of commodities and goods**

The import of commodities and goods shall be subject to the following conditions:

- 1- That the commodities and goods be of good quality.
- 2- That they be consistent with the requirements of human, plant, animal, and environmental health, as applicable, in accordance with the relevant legislations.
- 3- That they be consistent with the technical requirements and specifications adopted by the Libyan National Center for Standardization and Metrology (LNCSM), in accordance with the legislations in force.
- 4- That they be not commodities and goods which export is prohibited or ended.
- 5- The availability of appropriate conditions that guarantee the preservation of imported commodities and goods during transport and storage.
- 6- Human and veterinary medicines, pesticides, children's food and medical equipment and supplies shall:
  - a- Be authorized for trade inside Libya and registered with the competent authorities.
  - b- Be produced by companies registered with the competent authorities in Libya.
  - c- Display the importer's name, trademark, and number of registration in the commercial register.
  - d- Display the "not for sale" expression (for medicines used inside public clinics, sanatoriums and hospitals)

## **Article 15- Data displayed on imported commodities and goods**

Subject to the provisions of other relevant legislations, the imported commodities and goods shall have the following data displayed on their package or enclosed therewith:

- 1- For food products, medicines and pesticides: international identity numbers in accordance with the standard international numbering system.
- 2- Production date and expiry date for commodities and goods which nature requires so.
- 3- The name of the producing company and country of manufacture.
- 4- The type and ingredients of the commodity or goods.
- 5- The weight or number or size of the item, depending on the nature of commodities and goods.
- 6- The method of use and safety instructions, depending on the nature of commodities and goods.
- 7- The instructions manual in Arabic for all durable commodities and goods, medicines, and pesticides.

#### **Article 16- The provision of spare parts**

Suppliers shall provide spare parts for the durable commodities and goods that they trade in worth a minimum of 5% of the value of such commodities and goods. The provision of spare parts shall be provided for in the contract of supply, including the bank credits and transfers.

#### **Article 17- Conditions regulating the import of pre-owned cars**

Excluding the provisions of Article 14-1 of the present Regulations, the import of pre-owned cars for strictly personal and private use shall be subject to the following conditions:

- 1- The supplied pre-owned cars shall be usable and free of bumps.
- 2- Cars, buses of 30 seats or less, and pick-ups with a capacity of 4 tons or less, shall not be older than 5 years.
- 3- Buses of more than 30 seats, and pick-ups, trucks, tractors and trailers with a capacity of over 4 tons shall not be older than 7 years.
- 4- The age of such equipment shall be determined based on the production date, irrespective of the model year.
- 5- The import of right-steering vehicles is prohibited except for trucks with a capacity of over 4 tons.

#### **Article 18- Supplies of foreign companies' branches**

The branches of foreign companies authorized to engage in trade in Libya may import machines, equipment and operating supplies within the limits of the requirements of projects that they are implementing pursuant to contracts they had concluded.

### **Chapter 4- Final Provisions**

#### **Article 19- Withholding illegally imported commodities and goods**

The commodities and goods imported in violation of the provisions of the present Regulations may not be released. They shall be subject to the applicable relevant legislations.

#### **Article 20- Commitment to reporting statistics**

The Customs Authority, the Central Bank of Libya, and all concerned parties, each within their competence, shall commit to providing the competent authority with regular, at least quarterly, statistics covering imports and exports, including information on the type, quantity and value of such commodities and goods, the countries importing or exporting them, as well as the names of exporters and importers.

## **Appendix**

### **Schedule of the categories of commodities that may be imported by import agents As enclosed with the Council of Minister's Decree No. 188 of 2012 A.D**

#### **Category 1**

- Clothing, textile, leather products, detergents, decorative items and hardware.
- Food products, fruits and vegetables, meats and livestock.
- Furniture, electronic and electric appliances, household equipment and tools.
- Books and stationery, office equipment and accessories, entertainment supplies.

#### **Category 2**

- All types of transportation means, heavy machinery, workshops and factories' equipment, occupational safety equipment.
- Agricultural equipment, fishing equipment, animals and live poultry for farming, and farming equipment.
- Construction materials, sanitary and electrical materials, raw materials.

#### **Category 3**

- Medicines, medical equipment, tools and products, medical laboratories and their supplies, mother and baby supplies, prosthetic devices.

#### **Category 4**

- Jewelry, precious metals and gemstones.



**Council of Ministers' Decree No. 189 of 2012 A.D dissolving two Authorities and  
issuing certain provisions**

**The Council of Ministers**

Having examined:

- the Constitutional Declaration and amendments made thereto,
- the State's Financial System Law, and the Budget, Accounts, and Warehouses Law, and amendments made thereto,
- Law No. 12 of 2010 A.D on issuing the Labor Relations Law and its Implementing Regulations,
- The Resolution of the Libyan National Transitional Council No. 174 of 2011 A.D specifying the structure of the government,
- The Resolution of the Libyan National Transitional Council No. 184 of 2011 A.D adopting a transitional government,
- The Resolution of the "former" General People's Committee No. 306 of 2008 A.D establishing the Libyan National Youth Council, and the amendment made thereto,
- The Resolution of the "former" General People's Committee No. 210 of 2004 A.D establishing the Jamahiriya Educational Center,
- The proposal of the Minister of Youth and Sports,
- and the decisions made by the Council of Ministers in its 14<sup>th</sup> ordinary meeting in the year 2012 A.D

**Decrees the following:**

**Article 1**

**The following authorities shall be dissolved and prevented from engaging in any activity:**

- a- The National Youth Council.
- b- The Jamahiriya Education Center.

**Article 2**

A committee shall be formed under the chairmanship of the Undersecretary of the Minister of Youth and Sports and including representatives of the Ministry of Youth and Sports and the Ministry of Labor and Capacity Building as members. The said committee shall make an inventory of all movable and immovable assets, handle personnel matters in the areas mentioned in Article 1 of the present Decree. The result of the committee's work is subject to approval by the Minister of Youth and Sports. The committee may form sub-committees to perform the tasks assigned to it.

### **Article 3**

All assets owned by the authorities mentioned in Article 1 shall devolve to the Ministry of Youth and Sports.

### **Article 4**

The Ministry of Youth and Sports shall evaluate the assets of the National Youth Council and the Jamahiriya Education Center based on the results of the work of the Committee formed by virtue of Article 2 of the present Decree, and suggest the procedures in their regard pursuant to the applicable legislations and in line with the policy of the Ministry.

### **Article 5**

The present Decree shall enter into force on the day of its issue, and repeal all provisions contrary to it. It shall be enforced by all concerned authorities, and be published in the official gazette.

**The Council of Ministers**

Issued on 02 Jumādā al-ākhiraḥ 1434 AH, or 24/4/2012 AD.

**Council of Ministers' Decree No. 192 of 2012 A.D reorganizing the Center for Solar  
Energy Research and Studies**

**The Council of Ministers**

Having examined:

- the Constitutional Declaration and amendments made thereto,
- Law No. 12 of 2010 A.D on issuing the Labor Relations Law and its Implementing Regulations,
- The Resolution of the Libyan National Transitional Council No. 174 of 2011 A.D specifying the structure of the government,
- The Resolution of the Libyan National Transitional Council No. 184 of 2011 A.D adopting a transitional government,
- The Resolution of the “former” General People’s Committee No. 31 of 2009 A.D adopting the organizational structure of the Libyan Atomic Energy Establishment,
- The proposal of the Minister of Higher Education and Scientific Research in his letter No. 4 dated 10/01/2012 A.D and his letter No. 63 dated 4/3/2012 A.D,
- and the decisions made by the Council of Ministers in its 16<sup>th</sup> ordinary meeting in the year 2012 A.D

**Decrees the following:**

**Article 1**

The Center for Solar Energy Research and Studies shall report to the Ministry of Higher Education and Scientific Research in place of the Atomic Energy Establishment.

**Article 2**

The Ministry of Higher Education and Scientific Research and the Atomic Energy Establishment shall coordinate to form a committee in charge of enforcing the provisions of the present Decree.

**Article 3**

The present Decree shall enter into force on the day of its issue, and repeal all provisions contrary to it. It shall be enforced by all concerned authorities, and be published in the official gazette.

**The Council of Ministers**

Issued on 3 Jumādā al-ākhirah 1434 AH, or 25/4/2012 AD.

**Council of Ministers' Decree No. 195 of 2012 A.D reorganizing the Libyan National  
Center for Crises and Disasters**

**The Council of Ministers**

Having examined:

- the Constitutional Declaration and amendments made thereto,
- the State's Financial System Law, and the Budget, Accounts, and Warehouses Law, and amendments made thereto,
- Law No. 12 of 2010 A.D on issuing the Labor Relations Law and its Implementing Regulations,
- The Resolution of the Libyan National Transitional Council No. 34 of 2011 A.D establishing the Libyan National Center for Crises and Disasters and appointing its Chairman,
- The Resolution of the Libyan National Transitional Council No. 119 of 2011 A.D on the Court of Audit,
- The Resolution of the Libyan National Transitional Council No. 174 of 2011 A.D specifying the structure of the government,
- The Resolution of the Libyan National Transitional Council No. 184 of 2011 A.D adopting a transitional government,
- The proposal of the Undersecretary for Political Affairs in the Presidency of the Council of Ministers,
- and the decisions made by the Council of Ministers in its 16<sup>th</sup> ordinary meeting in the year 2012 A.D

**Decrees the following:**

**Article 1**

The Libyan National Center for Crises and Disasters established by virtue of the resolution of the Libyan National Transitional Council No. 34 of 2011 A.D shall be reorganized in accordance with the provisions of the present Decree.

**Article 2**

The name of the Center shall be (the National Center for Crisis Management). The center shall have a legal personality with financial independence. It shall report to the Council of Ministers.

**Article 3**

The Center shall have its main office in "Benghazi", and may have regional offices in other cities and towns subject to a decision by the Board of Directors.

## **Article 4**

The Center shall assume the following functions:

- (A) Prepare for crises, determine the resources needed and ways of mobilization of resources in the event of a crisis.
- (B) Plan and implement communication and information and public relations operations, depending on the type and stage of the crisis.
- (C) Plan and implement education programs on the response to crises for individuals and establishments.
- (D) Train the center staff, coordinators and representatives of the ministries on risk planning and management and mitigation and crisis response operations.
- (E) Manage the internal processes of the center in accordance with the modern management systems.
- (F) Coordinate with partners in the risk management processes and the supervision of the crisis prevention and mitigation measures.
- (G) Coordinate the response and supervision processes through the main operations room for crises.
- (H) Conduct studies, research, and organize and participate in conferences, seminars and workshops on crisis management and employ researchers and scholars in this field.
- (I) Coordinate, cooperate and participate with international and regional organizations active in the areas of competence of the center, in coordination with the concerned authorities.
- (J) Study and propose to join Mutual Assistance Agreements in emergency situations with neighboring countries and international organizations.
- (K) Coordinate the data collection, preservation, analysis, update and use operations.
- (L) Propose post-crisis re-balance plans to be adopted by the Presidency of the Council of Ministers.
- (M) Provide training on the implementation of post-crisis re-balance plans, implement such plans, and apply the lessons learned.

## **Article 5**

The center shall be managed by a Board of Directors including a chairman and four members, formed by virtue of a Decree issued by the Council of Ministers.

## **Article 6**

The Board of Directors of the Center shall draft its own regulations establishing its modus operandi and system of holding meetings.

## **Article 7**

The Board of Directors of the Center shall be responsible for:

- (A) Drafting the policy of the Center and taking into account the provisions of the legislations in force.
- (B) Approving the budget and final accounts of the Center.
- (C) Proposing financial, administrative and technical regulations for the work of the Center, within the limits of the provisions of the legislations in force.
- (D) Practicing other powers provided for in the legislations in force, subject to the provisions of the present Decree.

Board decisions in relation to items "A" and "B" shall take effect only after approval by the Council of Ministers.

## **Article 8**

The Chairman of the Board of Directors of the Center shall oversee the work of the Center and the conduct of its affairs, and mainly:

- (A) Propose the budget and final accounts of the center.
- (B) Implement the decisions of the Board of Directors.
- (C) Represent the Center with third parties and before the courts.
- (D) Perform the administrative affairs of the Center staff.
- (E) Prepare a periodic and annual report on the activities of the Center.

## **Article 9**

The financial resources of the Center include:

- (A) Allocations from the state budget.
- (B) Donations, funding and grants accepted by the Center.
- (C) Any other revenues allocated to the Center.

#### **Article 10**

The Centre shall have an independent budget, prepared in accordance with the accounting systems in place. The financial year of the center shall start and end together with the fiscal year of the state. However, the first financial year of the Center shall start on the date of entry into force of the present Decree and end at the end of the current fiscal year.

#### **Article 11**

The Centre shall have one bank account, or more, in any operating bank in Libya, to deposit its funds.

#### **Article 12**

The organizational structure of the Center shall be established by virtue of a Decree of the Council of Ministers, based on a proposal submitted by the Chairman of the Board of Directors. The internal regulations of the Centre shall be established by virtue of a Decision of the Board of Directors, based on a proposal submitted by the Chairman of the Board of Directors.

#### **Article 13**

The Center shall preserve all records and files and documents pertaining to crisis management.

#### **Article 14**

The present Decree shall enter into force on the day of its issue, and repeal all provisions contrary to it. It shall be enforced by all concerned authorities, and be published in the official gazette.

**The Council of Ministers**

Issued on 3 Jumādā al-ākhīrah 1434 AH, or 25/4/2012 AD.