

**Law No. (22) of 1378 FDP (2010 AD)  
on telecommunications**

**The General People's Congress,**

- In implementation of the resolutions of the Basic People's Congresses in their annual session of 1377 FDP;

**Upon review of:**

- The Declaration on the Establishment of the Authority of the People;
- The Great Green Charter of Human Rights in the Jamahiriyan Era;
- Law No. (20) of 1991 AD on the promotion of freedom;
- Law No. (1) of 1375 FDP on the rules of procedure of the People's Congresses and the People's Committees;
- Law No. (8) of 1990 AD on wired and wireless telecommunications;
- Law No. (110) of 1975 AD setting out provisions on public bodies and institutions and public sector companies;
- Law No. (21) of 1369 FDP setting out certain provisions on the practice of economic activities, amended by Law No. (1) of 1372 FDP;

**formulated the following Law:**

**Part (1)  
Preamble**

**Article (1)  
Definitions**

The following words and expressions, wherever found in this Law, shall have the meanings set out below, unless otherwise indicated by the context.

1. Competent bodies: the body concerned with supervision and regulation of the telecommunications sector.
2. Telecommunications: any transfer, transmission, reception, or dispatch of signs, signals, sounds, images, or information of any nature by wired, wireless, or any other technical means of communication.
3. Telecommunications network: a group of systems and instruments that provides telecommunications, whether open to all or allocated to the interest of one or a number of specific persons brought together by mutual interest.
4. Infrastructure: all utilities such as buildings, land, land telecommunication line routes, tools, equipment, wires, towers, poles, communication lines, systems, and programs used or to be used to provide telecommunications services.
5. Operator: any natural person or legal entity licensed to establish or operate a telecommunications network.
6. Service provider: any natural person or legal entity licensed to provide telecommunications service to the public.

7. Telecommunications services carrier: an operator chosen by the competent body to provide carrier services to service providers or other licensed operators in accordance with the related legislation in force.
8. Beneficiary: a person benefiting from telecommunications service.
9. Service-providing body: service operators, providers, and the like.
10. Equipment: the devices, tools, or accessories used or capable of being used in telecommunications services.
11. Telecommunications devices: any device used to send and receive telecommunications.
12. End user communications devices: any communications devices used by a beneficiary to send, receive, pass, or end communication through a public or private telecommunications network.
13. Electromagnetic waves: the electromagnetic waves used in wireless telecommunications.
14. Frequency: the number of full cycles per second of any wave.
15. Frequency spectrum: the frequencies that may be used in telecommunications systems.
16. Frequency range: a portion of the frequency spectrum beginning with one frequency and ending with another frequency.
17. Interconnection: each connection between two or more networks allowing for free communication between them.
18. International telecommunications service: any type of telecommunications service between operators in Libya and abroad through international communication ports.
19. Encryption: the use of codes or signals by which the information to be sent or transferred cannot be understood by a third party or the use of codes or signals without which the information cannot be accessed.
20. Radio telecommunications: the process of sending or receiving signals, images, sounds, writing, or signs of all types including the means, facilities, devices, and accompanying services for sending, such as the service of sending, receiving, or connecting communications by radio.
21. Broadcasting: telecommunications services that secure the sending and transmission of visual and audio broadcast programs.
22. Emergency and relief telecommunications services: ambulance, rescue, civil defence, fire services, and the like.
23. Public security: anything related to state security.
24. Licenses: certificates or agreements pursuant to which a natural person or legal entity can engage in activity in the telecommunications sector.
25. Licensee: a person or group that has obtained a license in accordance with the law.
26. Individual license: a license issued to a specific person at their request.
27. Group license: a license issued to a specific group of service providing bodies and applies to any person who falls within this specific group without having to submit a request to obtain an individual license.
28. Main service-providing body: a body that provides services and has been categorized as such by the competent body.
29. Information services: telecommunication services enhanced through the provision of additional material or information or ability to deal with information through the telecommunications network.
30. Telecommunications services: any type of sending or receipt of signs, signals, texts, images, or other information through a telecommunications network, not including visual and audio broadcast services.

31. Public telephone services: public telephone services through public telephone equipment installed in public locations. Public telephone services may be defined pursuant to regulations issued thereon.
32. Telephone services: the commercial provision of telephone services and the accompanying technical procedures for direct transfer, opening a line, or directing the course of voice telephone service used by a beneficiary in real time from and to network endpoints.
33. Telecommunications resale services: provision of telecommunications services for a fee, obtained from a party licensed to provide service pursuant to a special agreement therewith.
34. Service terms: the general terms and standards on the basis of which services are provided to beneficiaries by licensees in accordance with this Law.
35. Internet: an international network used to exchange information.
36. Internet connection services: provision of services to beneficiaries via connection to the Internet.
37. Reference interconnection offer: defined in Article (7) of this Law.
38. National numbering plan: the plan to be prepared and published by the Telecommunications Regulation Authority on numbering for the provision of telecommunications services in Libya.
39. End-user equipment: equipment to be connected directly or indirectly to a telecommunications network end point to send, transmit, or receive telecommunications services. This definition does not include equipment whose purpose is to provide communication services to the public for free or for a fee, unless it is possible to use this equipment for telecommunications services.
40. Radio telecommunications station: any telecommunications site, equipment, or facility used for radio telecommunications, not including telephone devices and personal-use terminals.
41. Regulations: the regulations issued pursuant to this Law.

## **Part (2)** **Licenses**

### **Article (2)** **Licence Requirement**

No telecommunications networks may be established, administered, or provide communication services until approval is obtained from the competent body in accordance with this Law and the implementing regulations thereof.

### **Article (3)** **License Types**

The competent body may issue individual licenses, group licenses, or any other type of the licenses set out in the regulations.

## **Part (3)**

### **Frequency Spectrum**

#### **Article (4)**

##### **Frequency Spectrum Ownership**

The frequency spectrum shall be considered public property whose use is subject to license for such in accordance with the terms set by the competent body, which shall handle regulation of its use and creation of the national plan therefor in coordination with the related bodies.

#### **Article (5)**

##### **Frequency Spectrum Administration**

The competent body shall handle administration of the frequency spectrum in accordance with the standards and recommendations issued by international organizations specialized in this field in a manner that serves the public interest and in accordance with the national frequency spectrum plan.

#### **Article (6)**

##### **Ownership and Use of Radio Stations**

A radio station may not be owned or used on the land, sea, air, or space territory of the Libyan state or on a ship or aircraft and the like registered therein unless a license for such is obtained in accordance with this Law. Radio stations may not be imported except by written approval of the competent body.

## **Part (4)**

### **Interconnection**

#### **Article (7)**

##### **Interconnection duties and obligations**

The competent body shall undertake the following competencies with regard to interconnection between telecommunications networks:

1. Work to achieve sufficient, effective, and economic connections among the telecommunications networks of the different service-providing bodies to allow exchange of telecommunications movement among them, whether issuing or receiving in the country or abroad, and encouraging market growth and competition in the provision of telecommunications services.
2. Establish an open, unbiased, and commercially-viable framework for interconnection and the provision of telecommunications with the aim of reducing and removing barriers to entry into telecommunications services markets.
3. Put in place the arrangements required for intercommunication.
4. Resolve disputes related to interconnection and making connection available in the shortest time, fairly and impartially.

The competent body may establish conditions and rules to set out the additional rights and obligations for interconnection services and providing connection and may issue instructions from time to time to set out connection and other telecommunications methods and requirements.

**Article (8)**  
**Connection Pricing**

Within the framework of the rules and standards established by the competent body, the main service-providing bodies shall determine their connection and telecommunications pricing in accordance with the provisions set out in the regulations.

**Article (9)**  
**Incompatible Connection Agreements**

The parties to any connection agreement that violates the law, regulations, or licensing terms must amend such agreements immediately and inform the competent body of such.

**Part (5)**  
**Service Pricing**

**Article (10)**  
**General Principles on Pricing Regulation**

The competent body must put in place the regulations and rules required to set a price ceiling in a manner in keeping with the actual expenses of providing services.

**Article (11)**  
**Service Pricing for Other Service Providers**

The main bodies must submit to the authority the pricing that it sets for the provision of services for other service providers, and must adhere to any instructions issued by the competent body in this regard.

**Article (12)**  
**Provision of Pricing**

The main bodies must set the pricing of the telecommunications services that they provide based on the actual expenses of providing services according to the preceding Article.

**Article (13)**  
**Competition Guarantee**

The competent body shall work to respect and promote the principle of competition in the telecommunications sector, facilitate entry therein, and assess the extent of licensees' compliance with its rules.

**Part (6)**  
**Oversight, Beneficiary Protection, and Relations  
between Service Providers and Beneficiaries**

**Article (14)**  
**Oversight of Service Operators and Providers**

The competent body shall verify the compliance of service operators and providers with licensing terms and related legislation, in particular the following:

1. Examination of network sites and communication devices used.
2. Confirmation of the soundness and accuracy of the systems used to issue account statements.

3. Confirm the level of services provided to those requesting them and check complaints submitted thereon.
  4. Confirm the proper management of licensed service operators or providers.
- The regulations shall set out the procedures to be taken with regard to those parties not in compliance with the terms, rules, and instructions regulating such.

### **Article (15)**

#### **Confidentiality of Telecommunications**

Service providers shall undertake all steps to ensure the confidentiality of its beneficiaries' telecommunications, and service-providing bodies may not intercept, monitor, change, or alter the telecommunications of service beneficiaries.

For the purposes of monitoring and determining location, responding to harassment or hostile or unlawful calls, or as the law provides, the following shall be observed:

- a. Beneficiaries may request a service-providing body monitor the phone calls related to their phone.
- b. Judicial bodies holding legal competence may issue instructions to a service-providing body to intercept or monitor the incoming or outgoing phone calls of an individual's phone and such body must abide by those instructions. The service-providing body must provide this body with the information obtained from its monitoring of the individual's phone, including the phone numbers called and the dates of such calls.
- c. The competent body may institute any measure to protect persons from harassing calls or hostile or unlawful calls, and transfer the matter to the relevant authorities so that the required measures may be taken.

### **Article (16)**

#### **Protection of Personal Information**

Service-providing bodies shall be responsible for beneficiary-related information in their possession or their agents' possession. They must protect the telecommunications information of beneficiaries using secure means and observe privacy. They may not collect, use, keep, or disclose beneficiary information or telecommunications for any purpose of any kind, except within the legally-permitted bounds or by personal agreement and for the purposes for which such agreement was made.

### **Article (17)**

#### **Service Quality**

The main service-providing body shall adhere to the service quality levels set by the body in accordance with the standards listed in the license and shall submit a report to the body every three months containing actual results of the service level that they provide. In the event that the required level is not achieved, the body shall state the causes of the failure and the steps it took to remedy the problem. If the competent body does not respond to the report submitted within thirty days, the submitted explanation shall be deemed acceptable.

In the event that the report is not accepted, the body shall state the steps that the concerned body must take, the period within which it must do so, and any other matters it sees fit to achieve the desired goal. It may request that the concerned body in addition to publishing the report on its website, publish it in one or more daily newspapers.

## **Part (7)**

### **Equipment**

#### **Article (18)**

##### **Telecommunications End User Equipment**

The competent body may undertake the following:

1. Require that prior approval be obtained for specific types of telecommunications end user equipment or other equipment attached to a telecommunications network or used to provide telecommunications services.
2. Publish the required standards for approval and determine the required levels for approval of telecommunications end user equipment and other equipment for use in telecommunications services or networks.
3. Identify the organizations or institutions, local or international, or means of examining and testing for certification of end-user equipment and other equipment to be used in telecommunications or network services.

## **Part (8)**

### **Numbering and Selection of Service Carrier**

#### **Article (19)**

##### **National Numbering Plan**

The competent body shall design, publish, and administer a national plan for numbering and allocation and rollout of numbers, and Internet domain names for service-providing bodies and beneficiaries, in accordance with the national numbering plan. In this case, the competent body shall take into consideration any existing allocation of numbers.

The competent body may modify the national numbering plan pursuant to a notice directed to beneficiaries and service-providing bodies at a reasonable time prior to the date of the anticipated change.

The national numbering plan must be in line with the requirements and terms of international and regional treaties [and] agreements and commitments made by the state.

All service-providing bodies must use the numbers allocated thereto by the competent body in accordance with the national numbering plan and confirm they are used for the designated purposes efficiently and effectively.

#### **Article (20)**

##### **Suspension of Telecommunications**

The General People's Committee may suspend international telecommunications generally or for certain international telecommunications. The competent body shall notify the concerned international federations and organizations in accordance with international agreements.

**Part (9)**  
**Disputes, Violations, and Enforcement**

**Article (21)**  
**Disputes among Service Providers**

In the event that service-providing bodies are unable to agree on commercial terms or resolve any other dispute after exerting efforts or negotiation, any party may submit a request to the competent body for assistance in resolving the dispute. If a dispute is filed before it, the competent body may transfer it to a complaint settlement committee as set out in the regulations.

**Article (22)**  
**Disputes with Beneficiaries**

The preceding Article shall apply to any dispute arising between beneficiaries and service providers, in the event that the parties or the complaint settlement committee are unable to resolve it amicably.

**Article (23)**  
**Arbitration**

Parties to a dispute may agree to transfer the dispute to arbitration. If a dispute is submitted before it, the complaint settlement committee shall provide any possible assistance requested of it.

Both parties to the dispute shall be responsible for all expenses arising from conciliation or arbitration procedures, including travel expenses.

**Part (10)**  
**Penalties**

**Article (24)**  
**Sabotage**

Anyone who intentionally sabotages communication network buildings or infrastructure facilities shall be punishable by imprisonment for a period not less than five years and a fine not less than twenty thousand dinars and not more than fifty thousand dinars. The penalty shall be doubled if the act results in a breakdown of telecommunications.

If the damage or sabotage is the result of error, the penalty shall be a fine that is not less than one thousand dinars and not more than ten thousand dinars.

**Article (25)**  
**Damage of Telecommunications Devices**

Anyone who damages a telecommunications device allocated for public service shall be punishable with imprisonment for a period not less than one month and not more than two years and shall pay the value of the damages arising from the act.



## **Article (26)**

### **Disclosure of Confidential Information**

Anyone who wrongfully broadcasts, publishes, or circulates the content of a message or call or a portion thereof to which they have access due to the nature of their work or misuses information related to beneficiaries shall be punishable with imprisonment for a period not more than three months and a fine not less than one thousand dinars and not more than five thousand dinars.

## **Article (27)**

### **Unlicensed Use of Telecommunications Services**

Anyone who engages in the following shall be punishable with imprisonment and a fine not less than one thousand dinars and not more than ten thousand dinars, or one of the two penalties:

1. Creates or operates a public or private telecommunications network without obtaining the license set out in this Law.
2. Provides telecommunications services to beneficiaries in violation of this Law.
3. Uses radio frequencies without obtaining the approval of the competent body or intercepts, jams, or cuts radio waves allocated to a third party.
4. Knowingly steals or uses stolen communication lines.
5. Blocks, alters, or deletes message content through a telecommunications network or prompts others to do so.
6. Refrains from sending a message they are supposed to transmit through a telecommunications network after being tasked to do so.
7. Tampers with data related to a subscriber, including unpublished phone numbers and messages sent or received.

## **Article (28)**

### **Telecommunications Devices in Violation of Standards**

Anyone who brings into the country a telecommunications device that is in violation of technical standards or carries incorrect data in breach of the rules in force or sells or keeps such shall be punishable with a fine not less than one thousand dinars and not more than five thousand dinars.

In all cases, the court shall rule to confiscate equipment, devices, and accessories thereof that are the object of a crime.

## **Article (29)**

### **Failure to Observe Rules on the Import, Manufacture, and Possession of Telecommunications Devices**

Anyone who, without a license from the competent body, imports, manufactures, or possesses telecommunications devices for the purpose of selling or distributing them for free shall be punishable with a fine of not less than one thousand dinars and not more than ten thousand dinars. The same penalty shall apply to anyone who advertises such devices.

In all cases, the court shall rule to confiscate equipment, devices, and accessories thereof that are the object of a crime.

### **Article (30)**

#### **Failure to Observe Competition Rules**

Any operator or provider who violates competition rules under this Law or the systems or regulations issued by the competent body shall be punishable with a fine of not less than five thousand dinars and not more than one hundred thousand dinars.

### **Article (31)**

#### **Repeat Violations**

The competent body may consider each day in which a licensee continues to commit any of the violations contained in Section (9) of this Law a new violation.

### **Article (32)**

#### **Failure to Abide by Rules on Environmental Safety and Health**

Any operator or provider who does not comply with the rules on environmental safety and health or the measures set out in this Law and the regulations thereof shall be punishable with imprisonment or a fine of not less than ten thousand dinars and not more than one hundred thousand dinars or one of the two penalties. In addition, the court shall rule to eliminate the causes of the violation.

### **Article (33)**

#### **Violation of License Terms**

Any operator or provider who violates the terms of the licence granted thereto or violates the rules of the service they are licensed to perform shall be punishable with a fine not less than five thousand dinars and not more than twenty thousand dinars and a fine equivalent to three times the value of the telecommunications services price increase they charged. Such fine shall be multiplied in the event of multiple beneficiaries.

### **Article (34)**

#### **Legal Entity Penalty**

The legal representative of a legal entity shall be punishable with the same penalties set out for the crimes in this Law if it is established that they knew of such crimes. The legal person shall be responsible for payment of any financial penalties and compensation ruled, with the right to seek recourse against the party that caused such.

### **Article (35)**

#### **Penalty for Misuse of the Internet**

Anyone who misuses the Internet to publish information or data that harms the political, economic, social, or cultural heritage of Libyan Arab society or uses viruses or any other method to harm others shall be punishable with imprisonment for a period not less than six months and a fine not less than three thousand dinars and not more than five thousand dinars, withdrawal of license, and confiscation of the instruments and devices used for such.

### **Article (36)**

#### **Penalty for the Misuse of Means of Communication**

Without prejudice to Article (35) hereof, anyone who misuses means of communication to harm others shall be punishable with a fine not less than one hundred dinars and not more than five hundred dinars.

**Part (11)**  
**General and Transitional Provisions**

**Article (37)**  
**Regularisation of Status**

Those subject to this Law must bring themselves into compliance with the provisions hereof within a period not less than six months from the date it enters into force. Licenses granted in accordance with the rules in force prior to the date this Law enters into force shall be deemed valid until the end of this period.

**Article (38)**  
**Capacity of Judicial Police Officers**

Members of the competent body shall have the capacity of judicial police officers. Other employees as identified under a decree issued by the General People's Committee shall have the capacity of judicial police officers with regard to implementation of this Law.

**Article (39)**  
**Implementing Regulations**

The competent body shall prepare the regulations implementing this Law, which shall be approved by the General People's Committee and contain in particular the following:

1. Rules for collecting licensing fees, granting and use of frequencies, and payment procedures.
2. Specification of the services that require an individual license or the services that require group licenses.
3. Rules for granting and approving technical certificates that authorize the holder to operate telecommunications equipment.
4. Observance of the rules on environmental protection and sites with environmental and historical significance in accordance with international standards.
5. Regulate licensing and the terms of service and frequency licenses, the amendment and cancellation thereof, method of renewal, and licensor obligations.
6. Connection contracts between licensed operators and reference connection offers.
7. Interconnection requests.
8. Procedures for publication of interconnection agreements.
9. Pricing regulation, review, and announcement.
10. Regulation of competition.
11. Security and emergency requirements and the like.
12. Confidentiality of information.
13. Procedures for filing and ruling on beneficiary and user complaints.
14. Use of numbering and transfer of numbers.
15. Access rights for public property.
16. Access rights for private property.
17. Existing facilities and installations.

## **Article (40)**

### **Repeal of Prior Provisions**

Law No. (8) of 1990 on wired and wireless telecommunications shall be repealed as shall any provision that conflicts with this Law. The regulations regulating the telecommunications sector shall remain in force until the regulations and decrees are issued.

## **Article (41)**

This Law shall be published in the Legal Register, and shall enter into force on the date of its publication.

**The General People's Congress – Libya**

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**Corresponding to: 28 January 2010 AD**