

**Law No. (67) of 1972  
issuing the Customs Law**

**In the Name of the People**

**the Revolutionary Command Council,**

**Upon review of:**

- Constitutional Declaration No. (1) issued on 2 Shawwal 1389 AH corresponding to 11 December 1969;
- Customs Law No. (19) of 1954;
- Law No. (10) of 1959 on free zones;
- Decree-law No. (38) of 1968 on import and export;
- Law No. (81) of 1970 on ports;
- Law No. (82) of 1970 on establishing the Libyan General Ports Authority;
- Based on the proposal by the Minister of the Treasury and the approval of the Cabinet;

**issued the following law:**

**Article (1)**

The provisions of the annexed Customs Law shall enter into force.

**Article (2)**

Customs Law No. (19) of 1954 and its amending laws shall be repealed, as shall any other provision that is contrary to the provisions hereof. The customs tariff appended thereto and the amending customs decisions shall remain in force until new regulations and decisions for the execution of this law are implemented. The regulations and decisions in place at the time of the issuance of the present law shall remain in force to the extent that they do not contradict its provisions.

**Article (3)**

This law shall be published in the Official Gazette and it shall enter into force from the date of issuance thereof. The Minister of the Treasury may issue the necessary regulations and decisions for the implementation thereof.

**The Revolutionary Command Council – Libya**

**Maj. Abdessalam**

**Minister of the Treasury**

**Issued on 10 Rabi' al-Thani 1392 AH**

**Corresponding to 23 May 1972 AD**

## **Customs Law**

### **Part (1) General Provisions**

#### **Chapter (1) Introductory Provisions**

##### **Article (1)**

Customs territory means the territorial land and waters under the sovereignty of the State. Free zones, totally or partially excluded from customs provisions, may be established therein.

##### **Article (2)**

Customs line means the political boundaries separating the Libyan Arab Republic and the adjacent countries and the seashores surrounding the Republic.

##### **Article (3)**

The sea customs zone extends to a distance determined by a decision by the Minister of Treasury in accordance with control requirements provided that such zone is not less than the boundary of the territorial waters.

The land customs zone is determined by the Minister of Treasury in accordance with control requirements.

Special measures may be taken within the zone to control goods specified by a decision by the Minister.

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

The Customs station is the area designated by the Minister of Treasury at each airport, seaport, or any other place determined by the Minister where there is a customs office authorised to complete all or some of the customs procedures.

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

1. Customs offices and entry points shall be established, and their competencies and the types of goods eligible for customs procedures shall be determined by a decision by the Minister of Treasury.
2. Customs stations, offices, checkpoints or inspection locations designated upon the entry into force hereof shall be considered to be designated or established under its provisions.
3. Goods may only be imported or exported to or from the country through customs offices or customs stations designated by the Minister in airports and seaports. Means of transport may only cross the Libyan customs borders through the airport, seaport, or customs office unless the Director-General authorises otherwise.
4. If the decision designating the customs station does not specify the borders of such station accurately, the goods shall be deemed to be within the customs station from the time of their inspection until their definitive withdrawal with Customs' permission.

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

In an announcement published in the Official Gazette, the Minister of Treasury shall determine the land transportation route between the borders and the customs offices, as well

as the times and conditions for the means of transport to cross the customs borders to transport goods.

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

Official work days and hours during which the customs station shall be open to deal with the public are specified by a decision of the Minister.

### **Chapter (2) Customs Duties**

#### **Article (8)**

Goods entering the territory of the Republic shall be subject to the taxes specified in the customs tariff in addition to other applicable taxes and fees, except those exempted by a special text.

Goods leaving the territory of the Republic shall only be subject to the customs duties and fees stipulated by a special text. Customs duties and other fees and taxes levied on the import and export of goods shall be collected in accordance with the regulating laws and decisions thereof. Goods may not be released before completion of customs procedures and payment of duties and fees, unless stipulated otherwise by the law.

#### **Article (9)**

Without prejudice to the provisions hereof, taxes specified by the customs tariff on imported and exported goods to and from the Republic shall be collected.

The tariff may be changed or replaced by a decision of the Minister of Treasury.

The Minister may also issue a decision imposing an additional tax not exceeding 5% of the customs tax on certain goods and allocating their returns for the purposes determined by a Cabinet decree.

#### **Article (10)**

Countries that enter into commercial agreements with the Republic containing a most-favoured-nation clause may benefit from reduced customs duties by a decision of the Minister of Treasury.

#### **Article (11)**

Goods originating or sourced from countries that have not concluded commercial agreements with the Republic containing a most-favoured-nation clause may be subject to additional taxes by a decision of the Minister of Treasury.

#### **Article (12)**

Imported goods may be subject to a compensatory tax by a decision by the Minister of Treasury if such goods benefit abroad from a direct or indirect subsidy upon their export.

Similar measures may be taken in the cases where some countries reduce the price of their goods or lead in any way to the unmarketability of the Republic's products, whether directly or indirectly.

#### **Article (13)**

The decisions of the Minister of Treasury referred to in Articles 9, 10, 11, and 12, shall be submitted to the Revolutionary Command Council (RCC) upon their entry into force in order to issue a law thereon. If the RCC does not approve the ministerial decision, whether in whole or in part, the decision shall cease to have effect from the issuance of the RCC decision, whereas its effects for the preceding period shall remain in force.

#### **Article (14)**

Decisions amending the customs tariff shall apply to goods for which customs taxes are not collected upon their entry into force, unless stipulated otherwise.

With regard to goods intended for import and for which the due taxes were paid before they fully entered customs, the part thereof which did not enter shall be subject to the applicable tariff upon their entry.

#### **Article (15)**

Customs duties shall be levied on the goods subject to an ad valorem or specific tax based on their condition at the time of imposition of the customs tariff and their tables.

Subject to the rules and conditions issued by a decision of the Minister of Treasury, drawback is possible in the following cases:

1. If the goods are proved to have been destroyed during transport or inspection by customs control.
2. If the goods are re-exported within six months from their import if they are proved to have been sent by mistake to the importer.
3. If it is proven that the tax is not imposed by law.

#### **Article (16)**

The rules for the calculation of the tax on excisable goods based on weight, quantity, or size, as well as on their packages and boxes shall be determined by a decision by the Minister of Treasury.

#### **Article (17)**

In the event of change in a customs procedure regarding the classification of the goods for taxation, resulting in lower taxes, the taxpayer shall not be reimbursed for any portion of the tax paid before such change.

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

1. The import tax shall be paid in accordance with the tariff applicable at the time of payment thereof.
2. The export tax shall be paid in accordance with the tariff applicable at the time of submission of the declaration concerning the goods intended for export in conformity with the provisions hereof.
3. Customs duties and other taxes and fees shall be paid at the customs station. The customs officer shall execute a receipt in return thereof in the form prescribed by the Director-General, except when the law stipulates otherwise.

### **Article (19)**

If customs duties and any other taxes and fees previously collected are inferior to the amount stipulated by law or refunded by mistake, the person who paid the lesser or refund amount shall return the remaining or refund amount at the request of the competent customs officer.

The competent customs officer may refuse to deliver any other goods to the said person until the latter settles the amount to be paid or returned.

### **Article (20)**

If the customs administration has reason to believe that the recognized value of the ad valorem tax is insufficient, and when the estimation or valuation of the tax is unacceptable to the goods' owner, Customs may either seize the goods after paying to the importer its declared price plus 5% and refunding the other taxes and revenues paid within 15 days from the date of the declaration, or collect the due taxes in kind.

### **Article (21)**

If the goods are classified or can be classified under two or more categories, entailing a difference in the taxes thereon, the following rules shall apply, subject to the explanatory rules set forth in the customs tariff:

1. If tax imposition or exemption is an issue, the goods shall be taxable, and the tax levied thereon shall be paid.
2. If there is a difference between two or more tax categories, the goods shall be subject to the higher category.

### **Article (22)**

A separate tax shall be imposed on unordinary goods containers unless the Director-General deems that such containers are usually and conventionally used to pack the goods inside them and he is convinced of the proportionality between the value of the goods and that of the container.

### **Article (23)**

If a dispute arises between Customs and the owner of the goods regarding the tax amount or level or regarding the due taxes or the degree of taxability of such goods in accordance with this law, the amount estimated by the customs officer shall be considered the appropriate and due tax unless decided otherwise based on a claim filed in accordance with the provisions of this article, in which case the owner may mention in a form prescribed by the Director-General the reasons for his objection to the customs duties and other taxes estimated by the competent customs officer and he shall pay under protest the amount requested by the customs officer as a tax on such goods. The competent customs officer, at the request of the goods' owner and before their withdrawal from the customs station, shall annotate the receipt with the phrase "paid under protest."

The claim for drawback of any amount paid to the customs as accrued tax on any goods shall not be accepted unless the goods' owner presents the receipt of such payment in accordance

with the provision of the previous paragraph and unless the claim is filed within six months from the date of payment.

### **Chapter (3)**

#### **Prohibition and Restriction**

##### **Article (24)**

A customs declaration shall be submitted to the nearest customs office for any goods that enter or leave the Republic in accordance with customs regulations. Every traveller shall present himself to the nearest customs office and submit the information required therefrom.

##### **Article (25)**

Any goods that are not authorised for import or export are deemed prohibited. If the import or export of certain goods is subject to restrictions from any entity, such goods may not enter or leave the country unless they meet the requirements.

##### **Article (26)**

It is prohibited for ships transporting all sorts of cargos to berth in ports other than those intended for such purpose without prior authorisation from Customs, except in cases of maritime emergencies or force majeure. In this case, the shipmasters shall notify the nearest customs office.

##### **Article (27)**

Aircraft may only cross the borders through the specified routes. They may land or take off only at the airports where customs offices exist, except in cases of force majeure, in which case pilots shall submit a report to Customs and they shall report accidents.

##### **Article (28)**

No person present at a port, airport, or customs office may board a means of transport coming from outside the country unless by Customs authorisation, with the exception of port employees, police and health personnel who are authorised to perform such duties, each within their competence.

##### **Article (29)**

Shipmasters, pilots, their agents or their representatives shall submit the soonest possible to the nearest customs office a statement on the place where the goods are lost, destroyed or left in the event that the means of transport is lost, destroyed, forced to pay taxes, or forced to land in places other than the Customs station.

### **Chapter (4)**

#### **Distinguishing Elements of the Goods**

##### **Article (30)**

The origin of the goods means the producing country, whether these goods are agricultural crops, natural resources or industrial products. The rules for designating the origin of the goods if they were handled by a country other than their original country of production shall be prescribed by a decision by the competent minister.

The Minister of Treasury shall determine the cases requiring a certificate of origin.

### **Article (31)**

The origin of the goods is the country from which the goods are directly imported.

### **Article (32)**

The type of goods shall be specified in the nomenclature of the Customs tariff. In the absence of such nomenclature, the Minister of Treasury shall issue decisions to treat the concerned goods in the same manner as similar types. Such decisions shall be published in the Official Gazette.

### **Article (33)**

The value of imported goods to be declared is the price of such goods on the date that the customs declaration is registered with the customs office, if these goods are offered for sale in a free competition market between a buyer and a seller (independently) on the condition of delivering the goods to the buyer at a seaport or a point of entry in the importing country. The seller shall assume all costs, taxes, fees, and expenses related to these goods until their delivery to such port or point of entry. The taxes, fees, and expenses incurred by the buyer in the importing country shall not be reckoned in the price.

Expenses refer to transport, shipping, insurance, commission, brokerage, and others costs incurred up to the unloading port, with the exception of the transport costs of packages by mail or air, which shall be calculated based on the categories specified by the Director General of Customs. If the value is stated in a foreign currency or by unvalued calculations, it shall be estimated based on the actual value of the goods in the national currency of the port or point of entry, in accordance with the rules and conditions set forth in the following articles.

### **Article (34)**

For imported goods:

The estimation of the above-mentioned value shall require the following:

1. If the goods under valuation are purchased from outside the country, they shall be delivered to the importing location after payment of the transport, insurance, commission, and unloading expenses in addition to all other secondary expenses, except the import tax.
2. The price is the only consideration paid for the goods.
3. The seller or any other person with a commercial connection to the sale shall not have a direct or indirect interest in the resale or disposition of the goods.
4. No contractual or commercial relationship shall exist between the seller and the buyer except the one arising from the sale of the goods.
5. The claimed expenses or deduction shall not exceed the usual authorised value for such deduction with relation to similar types of goods.

### **Article (35)**

The value to be declared for exportable goods shall equal the normal export price at the time that the customs declaration is registered, in addition to all the expenses incurred up to arrival at the export location. This value shall not include the export tax nor the production taxes and other charges levied on exported goods.

### **Article (36)**

The owner of the goods shall submit the original invoice thereof authenticated at the exporting entity by an official agency recognized by Customs, with the exception of the cases specified by the Customs Director General. Customs shall be entitled to request all documents, correspondence, and other relevant documents related to the transaction without having to abiding by them or by the invoices themselves.

### **Article (37)**

The Director General may specify the valuation rate for any type of imported or exported goods in a statement published in the Official Gazette. He may also amend this rate. If the value of any goods is determined according to the said valuation rate, Customs shall value the goods by that rate. However, Customs shall not abide by the estimation mentioned in the declaration or any supporting document thereof in the valuation of any goods not covered by the said rate. For imports, Customs may request a letter of credit to help value the goods with respect to origin.

### **Article (38)**

Customs may estimate the value of the goods in case of doubt in the declared value or in the absence of invoices or freight calculation.

Customs shall notify the owner of the goods of such estimation. If the latter objects thereto, he may refer the case to the Director General within ten days from his notification thereof.

### **Article (39)**

Goods imported or exported by mail shall be approved in accordance with international postal agreements. Within the limits of such agreements, the mailing entity shall present to Customs mail packages, parcels, and files on which customs duties are levied or which are subject to special restrictions or procedures. The tax valuation and waiver procedures for imported or exported goods shall be specified by a decision by the Director General of Customs, in agreement with the Director General of the Post.

## **Part (2)**

### **Customs Employees**

### **Article (40)**

Customs employees who are appointed by a decision by the Minister of Treasury shall be considered judicial officers within the scope of their competences.

### **Article (41)**

Authorised customs officers shall have the right to search places, people, goods, and means of transport inside the customs station and in the locations and warehouses under the supervision of Customs. Customs may take all necessary measures to prevent smuggling in the customs station.

### **Article (42)**

Authorised customs officers may even board vessels within the customs control zone to search the same or request manifests and other documents required by the established rules.



In the event of failure to present such documents, in the absence thereof, or in the event of suspicion of the presence of smuggled or prohibited goods, the necessary measures shall be taken, including the use of force, to seize the goods and sail the vessel to the nearest customs office when necessary.

#### **Article (43)**

Customs officers shall have the right to seize prohibited or monopolised goods if their existence violates the rules applicable at all the entities of the Republic. In the event of strong suspicion of smuggling, they shall have the right to search places and shops and look for smuggled goods in accordance with the provisions of the law and within the control zone.

#### **Article (44)**

Customs officers and those who assist them from other entities shall have the right to pursue smuggled goods and follow up thereon after such goods leave the customs zone. They may also inspect and search passing caravans in the desert if they are suspected of violating the provisions of the law.

In such cases, customs officers shall be entitled to apprehend persons, seize goods and means of transport, and transport the same to the nearest customs office. For this purpose, they shall enjoy free movement along the coast or any part thereof, as well as on seashores and any port, gulf, road, or public land, with the right to pass through private property within 5 kilometres from the borders.

#### **Article (45)**

Authorised customs officers shall have the right to examine any papers, records, or documents and seize the same in case of violation at all navigation entities and all natural and legal persons associated with customs operations. The foregoing entities and persons shall keep such documents for a period of five years.

#### **Article (46)**

Customs officers may perform the duties set forth in previous articles and take any of the following measures:

1. Get aboard and search any means of transport within the limits of their competences. For this purpose, they may open packages, boxes, and locks and examine all relevant documents.
2. Temporarily withhold any goods on board any means of transport; they may for this purpose lock cargo docks, seal goods and locks, and transport the same to the warehouses or customs station.
3. Investigate with any person aboard any means of transport within the limits of their competences. Captains of the means of transport shall provide customs officers with all necessary facilitation to perform their duties; they shall also provide food and accommodation to customs officers who are assigned to remain on board by a decision issued by the Customs Director General, whenever necessary.

### **Article (47)**

1. The customs officer shall not be held accountable for any seizure he conducts in accordance with the provisions of this law if such seizure is based on a reasonable cause.
2. If the owner recovers a seized means of transport or goods or the revenues thereof, and the court decides that there is reasonable grounds for seizure, such decision shall preclude legal action against any customs officer with regard to such seizure.

### **Part (3)**

### **Customs Procedures**

### **Chapter (1)**

### **Manifest**

### **Article (48)**

Any goods imported by sea shall be registered in the general and single manifest of the vessel's load. Such manifest shall be signed by the captain, and it shall state the name and nationality of the vessel, the types of goods, the quantity, marks, and numbers of packages, the names of the consignor and consignee, the description of packaging, and the seaports from which the goods are shipped.

If the goods are prohibited, their actual description shall be mentioned in the manifest.

### **Article (49)**

The shipmaster or his representative shall submit to the customs office a manifest of the goods shipped to the Republic within twenty-four hours at most from the date of arrival of the ship – excluding official holidays – in accordance with the rules stipulated by the previous article.

In all cases, Customs may examine the general manifest and all the shipping documents. If the manifest pertains to a vessel that does not make regular voyages or that does not have a forwarder in the Republic, or if it is a sail ship, such manifest shall be endorsed by the customs authorities at the shipping port.

### **Article (50)**

Within the period set forth in the previous article, the shipmaster or his representative shall submit a list of the ship's passengers and supplies, including the tobacco and alcohol intended for on-board consumption, as well as the excisable belongings of the crew. Any excess in such items over the ship's needs at the time of anchorage shall be placed in a special warehouse sealed with the Customs' stamp.

### **Article (51)**

Loaded and unloaded vessels may only leave the ports of the Republic with the Customs' authorisation. Such authorisation requires submission of the manifest or an undertaking by the forwarder to submit the manifest within three days from the ship's departure, unless exempted therefrom by Customs.

### **Article (52)**

Several sealed packages, assembled in any way whatsoever, may not be stated in the manifest as a single package.

### **Article (53)**

Goods may only be discharged, unloaded, shipped, or transhipped from ships, carriers, or boats with the Customs' authorisation.

### **Article (54)**

The shipmaster or his representative shall be held responsible for any shortage in the number of packages or the contents thereof or in the amount of the bulk goods until delivery of the goods to the customs storage facilities, warehouses or concerned persons. However, they shall not be responsible for any shortage in the packages' contents if these are delivered in an apparently good condition, which makes it probable that such shortage occurred before shipping. In this case, the entity in charge of the administration of the storage facilities or warehouses shall not be responsible for this shortage.

The degree of tolerance concerning bulk goods in case of excess or shortage as well as partial shortage in goods resulting from natural factors or poor packaging and leakage of their contents shall be determined by a decision by the Customs Director General.

### **Article (55)**

In the event of shortage in the number of unloaded packages or in the amount of goods compared to those mentioned in the manifest, the shipmaster or his representative shall justify such shortage. If the missing goods or packages have not been shipped in the first place, have not been unloaded, or have been unloaded at a different location, the shortage shall be justified by serious supporting documents. If such documents cannot be submitted, a time period not exceeding six months may be given to submit the same against a guarantee ensuring the Customs' rights.

### **Article (56)**

A manifest of the airplane's cargo shall be submitted by the captain upon the airplane's arrival or before departure. Such cargo shall be subject to the other provisions applicable to the goods transported by ships.

### **Article (57)**

The provisions of Articles 51, 52, 53, and 54 shall be applicable to the goods transported by land on the route specified by the Minister of Treasury in accordance with Article 6.

The goods imported by land shall be presented to the nearest customs office after the border. Their owners or escort shall adhere to the route or path leading directly to such office.

A manifest of these goods shall be submitted for each means of transport in conformity with Article (48) hereof.

## **Chapter (2) Customs Declarations**

### **Article (58)**

A detailed customs declaration for all goods (customs procedural certificate) shall be submitted to Customs prior to the completion of customs procedures even if such goods are exempted from duties.

Such declaration shall contain all the information, explanations, and elements that enable the application of customs regulations and the levying of taxes when necessary. The form of this declaration and its enclosed documents shall be determined by a decision by the Minister of Treasury.

#### **Article (59)**

The declaration set forth in the previous article shall be submitted by the owners of the goods, their approved representatives, or by authorised customs brokers. The signatory of the declaration shall be responsible for the accuracy of its content, without prejudice to the liability of the goods' owner.

#### **Article (60)**

Upon ensuring the implementation of the provisions of the two previous articles, the customs declaration shall be registered with Customs under a serial number.

#### **Article (61)**

Explanations contained in the customs declaration may only be amended after submission under acceptable justification and by written authorisation from the competent Customs director before specifying the packages to be referred to inspection. Customs officers may allow the amendment of the declarations contained in the manifest by addition or deletion if they believe that the error was accidental or unintentional, in exchange for a fee specified by the Customs Director General not exceeding LYD 20.

#### **Article (62)**

Owners of the goods or their representatives may request to check and open their goods and take samples thereof when necessary, under supervision of the customs office and in exchange for a fee specified by the Director General not exceeding LYD 5.

#### **Article (63)**

The holder of a customs release order shall be treated as the representative of the goods' owner with regard to delivery, without any liability on the part of Customs for such delivery.

#### **Article (64)**

A customs broker is any natural or legal person who prepares, signs, and submits customs declarations to Customs, and who undertakes the procedures related to the goods for the account of others.

The customs broker may only exercise the profession of customs clearance upon obtaining a license from Customs.

Licensing fees and conditions shall be specified by a decision by the Minister of Treasury, provided that such fees do not exceed LYD 100. Such decision shall also lay down the rules pertaining to brokers and the disciplinary entity in charge of examining their violations and penalties.

### **Chapter (3)**

## **Inspection and Withdrawal of Goods**

#### **Article (65)**

After registering the customs declaration, the customs office shall inspect the goods and verify their type, value, origin, and conformity with the declaration and the relevant documents. It may also inspect all or some packages or refrain from doing so based on the rules issued by the Director General.

#### **Article (66)**

Packages may be opened for inspection only in the presence of the concerned parties. Nonetheless, if the customs office suspects the presence of prohibited substances, it may open the packages by a written authorisation from the competent director in the absence of the concerned parties after one week from their notification thereof. A report in this respect shall be prepared by the committee formed for this purpose. However, in cases of urgent necessity, packages may be opened as per a decision by the Customs Director in the absence of the concerned parties by the committee he forms for this purpose.

#### **Article (67)**

Inspection shall take place at the customs station; however, in certain cases, such inspection may be conducted outside the customs station at the request and expense of concerned parties and in accordance with the rules laid down by the Customs Director General.

#### **Article (68)**

In all cases, the customs office may re-inspect the goods as long as they are under its supervision.

#### **Article (69)**

The customs office is entitled to analyse the goods in order to verify their type, specifications, or conformity with health and agricultural regulations and others. Such analysis may be conducted at the request and expense of the concerned parties.

The concerned parties may object to the results of the analysis conducted at the customs office's request, and they may request a redo at their expense.

The rules governing such procedures shall be specified by a decision by the Minister of Treasury.

#### **Article (70)**

Customs shall destroy the goods proved through analysis to be harmful at the expense and in presence of their owners, unless such goods are re-exported within a period specified by Customs.

Such goods shall be destroyed in presence of the concerned parties at a time specified by Customs. Failure to attend on time shall entail the destruction of the goods in their absence, and a report shall be prepared thereon.

#### **Article (71)**

Goods may not be withdrawn from the customs station before payment of customs duties and other levied fees.

However, goods may be withdrawn in some cases against guarantees and according to the conditions specified by a decision by the Minister of Treasury.

**Part (4)**  
**Special Customs Regulations**

**Chapter (1)**  
**General Provisions**

**Article (72)**

Goods may be admitted or transported from one place to another within the Republic, whether by land, air, or sea, with suspension of the payment of customs duties and other taxes and fees levied thereon against cash or bank guarantees or acceptable undertakings to pay such taxes and fees according to the rules, conditions, guarantees, and periods specified by the Minister of Treasury.

**Article (73)**

Goods provided for in the foregoing article shall be subject to the tax payable at the time of levying the relevant taxes and fees thereon by way of deposit or on the date of registration of the undertaking in the event of failure to observe the periods specified in said Article.

**Article (74)**

National and foreign goods, for which duties have been paid, may be transported to any other port within the Republic without passing through foreign ports in accordance with the conditions laid down by Customs.

**Article (75)**

Foreign goods, for which customs duties have not been collected and which are not subject to one of the regulations set forth herein, may be returned abroad or transported to any other port in the Republic on the condition of providing guarantees and following the procedures specified by the Customs Director General.

**Chapter (2)**  
**Transit Goods**

**Article (76)**

Goods of foreign origin may be transported in accordance with the transit goods regulations without taking the sea route, whether these goods enter the borders to exit immediately through other borders or they are dispatched by one customs office to another.

**Article (77)**

Procedures pertaining to transit goods may only be taken at the customs offices intended for this purpose after deposit of customs duties and other fees levied on such goods by way of trust or after submission of an undertaking to deliver the goods to their destination within the specified period.

### **Article (78)**

Transit goods shall not be subject to restriction and prohibition unless stipulated otherwise by the relevant decisions.

### **Article (79)**

The arrival of the goods to their destination in foreign countries shall be evidenced by a certificate of receipt from Customs of that country. Customs shall have the right to grant exemption from the presentation of such certificate or to accept any other evidence.

### **Article (80)**

Goods shall be transported in accordance with transit regulations on all the routes specified by a decision by the Minister of Treasury under the responsibility of the signatory of the transit undertaking.

### **Article (81)**

Goods referred to in the foregoing Article shall be subject to the provisions relating to customs declaration and inspection stipulated herein.

### **Article (82)**

Transit goods, their means of transport, or both shall be sealed in the manner prescribed by Customs. The signatory of the undertaking shall be liable for the destruction of the seals or any tampering with the goods.

## **Chapter (3)**

### **Warehouses**

### **Article (83)**

Warehouses shall refer to the storage facilities where incoming goods are admitted without payment of customs duties for the periods specified in this law. Warehouses shall be divided into two types: a public warehouse where goods are stored for the account of third parties, and a private warehouse where the owner thereof stores his own incoming goods authorised to be stored therein. Warehouses shall be deemed a part of the customs station.

## **Chapter (3)**

### **Public Warehouse**

### **Article (84)**

1. The regulations concerning the customs public warehouse shall be authorised to enter into force by a decision issued by the Minister of Treasury at the proposal of the Customs Director General.
2. With regard to warehouses operated by the Customs Administration, the storage fees and other expenses payable to Customs as well as the guarantees to be presented and other provisions pertaining to the warehouse shall be determined by a decision by the Minister of Treasury.
3. With regard to public warehouses operated by public bodies or institutions or a public sector unit, the rules and conditions pertaining to the warehouse specifications and the administration thereof shall be determined by a decision by the Minister of Treasury in agreement with the competent minister.

4. The storage fees in such warehouses shall be specified by a decision issued by the competent minister.

#### **Article (85)**

The period of stay of the goods at the public warehouse shall be fixed at two months, which may be extended for another month when necessary based on a special request to be approved by the Customs Director General. This period shall not exceed 24 hours for damageable and perishable goods.

In cases of necessity, this period may be reduced or extended by a decision by the Customs Director General.

#### **Article (86)**

Prohibited goods, explosives and similar materials, as well as inflammable materials, goods displaying signs of corruption, goods that expose the warehouse to hazards or that may damage the quality of other products, goods that require special installations for their preservation, and bulk goods shall not be stored in the public warehouse unless the latter is designated for this purpose.

#### **Article (87)**

Goods shall not be admitted to the public warehouse unless they are accompanied by a warehouse receipt. This receipt shall be presented and the goods inspected in accordance with the conditions set forth by the Customs Administration in agreement with the administrative entity supervising the warehouse.

#### **Article (88)**

The Customs Administration shall have the right to exercise control over public warehouses operated by public bodies and institutions or other public sector units. The public body or institution using the warehouse shall remain responsible for the goods deposited therein in accordance with the provisions of the laws in force.

#### **Article (89)**

The public body, institution, or unit using the public warehouse shall act on behalf the owners of the goods deposited therein vis-à-vis Customs in all their obligations arising from storing such goods.

#### **Article (90)**

The goods stored at the public warehouse shall be sold in accordance with the provisions of Part 9 if the concerned parties fail to return them abroad or to pay the customs duties levied thereon during the storage period.

#### **Article (91)**

Customs may authorise the following operations at the public warehouses under its control:

1. Mix foreign products with other foreign or domestic products for the sole purpose of re-exporting the same, in which case special marks shall be put on the packaging and a special place shall be allocated thereto.



2. Remove the packaging, transport from one container to another, assemble or divide parcels, and conduct all the work intended for the maintenance of the products, improving their appearance, or facilitating disposal thereof.

#### **Article (92)**

Customs duties levied on the goods which have been previously stored at the public warehouse shall be estimated based on the weight and number of the goods at the time of storage. The public body or institution or the public sector unit exploiting the warehouse shall be responsible for any taxes or fees due for each shortage, loss, or change in such goods. Such taxes and fees shall become payable if the shortage, loss, or change results from natural causes, force majeure, or an accident beyond control.

#### **Article (93)**

Goods may be transported from one public warehouse to another or to any customs office by virtue of guaranteed undertakings. The signatories of such undertakings shall present a certificate for admitting the goods into the public warehouse or storage facilities to store the same, withdraw them for consumption, or place them under any other customs regulations.

### **Chapter (3)**

#### **Private Warehouse**

#### **Article (94)**

The establishment of private warehouses may be authorised in the places where customs offices exist if an economic necessity requires so. In the event that the customs office is abolished, the business of the private warehouse shall be liquidated within three months at most.

#### **Article (95)**

The authorisation for the establishment of the private warehouse shall be issued by a decision by the Minister of Treasury at the proposal of the Customs Director General. Such decision shall designate the warehouse location, the annual rent, the guarantees to be presented, and other provisions.

The rules and conditions pertaining to the warehouse specifications and management shall be determined by a decision issued by the Minister of Treasury in agreement with the competent minister.

#### **Article (96)**

The stored goods shall be presented at every request made by Customs. No shortage resulting from any reason whatsoever shall be disregarded unless it arises from natural causes, such as evaporation, dryness, leakage or the like.

#### **Article (97)**

Goods prohibited for importation may only be permitted to be stored at private warehouses with a special permission from the Customs Director General.

#### **Article (98)**

The provisions of Articles 85, 87, 88, 89, and 93 shall apply to private warehouses.

## **Chapter (4)** **Temporary Exemption**

### **Article (99)**

Raw materials that are imported to be manufactured in the Republic and items that are imported to be repaired or to complete the manufacture thereof shall be exempted temporarily from customs duties and other taxes and fees.

Such exemption is conditional upon the presentation by the importer to Customs of a security or bank guarantee that equals the amount of due taxes and fees, the transportation of the items and manufactures by or through a third party to a free zone, and their exportation within one year from their importation date. If such is not accomplished upon expiry of this period, such taxes and fees shall become payable. This period may be extended by a decision by the Minister of Treasury. The Minister or his delegated deputy may exempt from the presentation of the stipulated guarantee in accordance with the rules and conditions determined by a decision thereof.

Disposal of the aforementioned materials and items for other than the purposes for which they are imported shall be deemed an act of smuggling and shall be punished by the penalties set forth in this law, with the exception of cases where such disposal is conducted in accordance with the rules and conditions determined by a decision by the Minister of Treasury.

### **Article (100)**

The materials and items which are subject to this regulation, as well as the industrial operations carried out thereon, the percentage of industrial waste, and the necessary conditions thereof shall be determined by a decision by the Minister of Treasury in agreement with the Minister of Industry.

### **Article (101)**

If the industrial operations carried out on the aforementioned items change their features so as to render it difficult to recognize their kind, it shall suffice for the exported products to be of the type in the manufacture of which the imported items are usually used, in accordance with a decision issued by the Minister of Treasury in agreement with the Minister of Industry.

## **Chapter (5)** **Temporary Release**

### **Article (102)**

Goods may be temporarily released without collecting the prescribed taxes and fees under the rules and conditions prescribed by the Minister of Treasury. The Minister shall institute special regulations involving the facilitation of the release of the goods intended for ministries, government departments, public institutions, and the companies affiliated therewith in accordance with the conditions and procedures set forth by the Minister.

## **Chapter (6)**

### **Drawback**

#### **Article (103)**

Customs duties and other fees and taxes previously paid on some imported foreign goods which were used in the manufacture of local products exported abroad may be refunded – fully or partially – provided that the manufactured goods are transported by the importer or a third party to a free zone, or re-exported within one year of the date of levying the duties thereon, upon submission of sufficient documents to prove the use of the imported items in the production of the manufactured goods to be exported. Such period may be extended by a decision of the Minister of Treasury.

#### **Article (104)**

The manufactured goods subject to the refund of customs duties and other taxes and fees, as well as the industrial operations that are carried out thereon, the materials used therein, their percentage, and the necessary conditions shall be determined by a decision by the Minister of Treasury upon consultation with the Ministers of Economy and Industry.

#### **Article (105)**

If the industrial operations carried out on the items referred to have changed their features to such an extent as to render it difficult to recognize their kind, it may suffice for the exported products to be of the type in the manufacture of which the imported items are usually used, provided that these items have been previously imported from abroad.

#### **Article (106)**

Customs duties and other fees and taxes may be refunded – fully or partially – upon exporting imported foreign goods which have no locally-produced substitute, provided that their type is verified and that they are exported within one year from the date of payment of the duties thereon, in accordance with the rules and conditions set forth by a decision issued by the Minister of Treasury in agreement with the Ministers of Industry and Economy, depending on the case.

Customs duties and other fees and taxes previously paid may also be refunded – fully or partially – upon exporting machinery, equipment, or goods that have been previously imported and that were not definitely approved for any reason, provided that they are exported within one year from the date of payment of the duty.

#### **Article (107)**

Taxes and fees previously paid upon export may be refunded – fully or partially – for domestic goods and materials if they are re-imported from abroad or withdrawn from the free zone in the condition in which they were at time of export or at the time of their entry into the free zone, under the rules and conditions prescribed in a decision by the Minister of Treasury.

#### **Article (108)**

The following shall be exempted from inspection, customs duties and other taxes and fees based on and within the limits of the reciprocity principle, subject to the Ministry of Interior's data:

1. Imports intended for the personal use of the members of diplomatic and consular missions (non-honorary), and the members of the United Nations who are registered in the schedules issued by the Ministry of Interior, in addition to imports intended for their spouses and minor children.
2. Imports intended for the official use of embassies, commissions, non-honorary consulates, and the United Nations mission. Vehicles covered by the exemption shall be determined in conformity with Clauses 1 and 2 by a decision issued by the Minister of Treasury in agreement with the Minister of Interior.
3. Imports intended for personal use subject to inspection, such as personal luggage, furniture, household items, and one used vehicle for every non-diplomat employee who is not locally appointed, who is dispatched to diplomatic and non-honorary consular missions and who does not benefit from the exemption stipulated in Clause 1, provided that the import is conducted within six months from the arrival of the beneficiary. The Customs Director General may extend this period with the approval of the Ministry of Interior. The exemptions referred to in previous clauses shall be granted after approval of the exemption requests by the head of the diplomatic or consular mission, depending on the case.
4. Used personal luggage imported by the members of the political and consular corps and other civil servants assigned to Libyan missions abroad, upon their transfer from their duty station to the Great Socialist People's Libyan Arab Jamahiriya, in accordance with the rules and conditions prescribed by a decision issued by the General People's Committee for the Treasury.

#### **Article (109)**

The items set forth in Clause 1 of the foregoing article may be exempted from the aforementioned taxes and fees for the benefit of high profile non-nationals out of international courtesy, by a decision issued by the Minister of Treasury at the proposal of the Minister of Interior, in accordance with the amendment issued by Law No. (10) of 1980.

#### **Article (110)**

Without prejudice to the exemptions stipulated by special laws or decisions or in execution of conventions to which the government is party, the following shall be exempted from customs duties and other fees and taxes, subject to inspection:

1. Used personal luggage belonging to foreigners who are traveling to the Great Socialist People's Libyan Arab Jamahiriya for a first-time stay of no less than one year, under the rules and conditions prescribed by a decision issued by the General People's Committee for the Treasury.
2. The personal luggage of travellers under the rules and conditions prescribed by a decision issued by the Minister of Treasury in accordance with the amendment issued by Law No. (10) of 1981.
3. Commercial samples that lack any commercial value.
4. Personal belongings that lack any commercial quality such as badges, medals, sports and professional prizes, and the like.

5. Commercial samples of value or which are intended to be displayed in local exhibitions on the condition of being re-exported within 6 months from the date of their import. Such period may be extended for an additional 6 months by a decision of the Customs Director General. Any shortage in such samples within the exhibitions' scope may be exempted as decided by the Customs Director General.
6. Furniture, tools, personal luggage, and vehicles previously exported from the Republic on a temporary basis, which belong to persons whose original place of residence is the Republic.
7. Items that are exported abroad and then re-imported, under the rules and conditions prescribed by a decision issued by the Minister of Treasury at the proposal of the Customs Director General.
8. Used personal luggage imported by national students and returning expatriates aiming to establish a residence in the country, under the rules and conditions prescribed by a decision issued by the General People's Committee for the Treasury in accordance with the amendment issued by Law No. (10) of 1981.
9. Gifts, donations, and samples granted to ministries and the departments thereof.
10. Any of the items referred to in the previous clause, which are delivered to public bodies and institutions and local councils, in which case the exemption shall be effected by a decision of the Minister of Treasury.
11. Items imported from abroad for advertising or information purposes, which shall be exempted by a decision of the Minister of Treasury at the request of the competent minister.
12. Equipment imported from abroad without value as a replacement for damage or loss of sent items that have been previously exported or rejected and for which customs duties have been collected in full at the time, provided that Customs confirms the same.
13. Items whose import is required by commercial operations with other countries, provided that locally produced goods of similar value and type are exported. Such items shall be specified in each case by a decision issued by the competent minister.
14. Goods that are imported for the purpose of contributing to agricultural, industrial, or economic development. Such goods shall be specified by a decision issued by the Minister of Treasury in agreement with the competent minister.
15. Fresh fish, squaliformes, and sponges (porifera) that are caught and unloaded by locally registered boats.
16. Goods imported by charities, religious and social institutions and bodies, as well as cultural and sports clubs to be used for the intended purpose, which shall be specified by a decision issued by the Minister of Treasury at the proposal of the competent minister.
17. Goods and vehicles imported to the offices of liberation organisations in the Libyan Arab Republic to be used for their intended official purposes, which shall be specified by a decision issued by the Minister of Treasury.
18. Theatre and art equipment carried by actors, and the animals imported for use in public festivals.
19. Supplies, fuel, and the necessary equipment for high seas ships and aircraft during their external flights, as well as the requirements of their passengers and pilots.

### **Article (111)**

1. If goods are exempted from customs duties for the purpose they will be used for, the Customs Director General may at his own discretion require the importer to deposit an amount equalling the value of customs duties or to present a security for such value. The deposit or security shall be returned when the Customs Administration verifies that the goods were used for the purpose they were imported for.
2. Items that are exempted from duties in conformity with Articles 108, 109, and 110 may not be discharged to any person who does not enjoy exemption before notifying Customs and paying such duties and fees in accordance with the customs tariff in force at the time of payment.

### **Article (112)**

No person may provide ships or aircraft with supplies, fuel, and equipment that are necessary for their external trips, nor the items required by their passengers and pilots without authorisation from Customs.

The Minister of Treasury shall specify the rules and procedures regulating the work of ship and aircraft suppliers, as well as the conditions for licensing such work in accordance with the provisions of this law, and the licensing fees.

### **Part (6)**

#### **Service Fees**

### **Article (113)**

Goods that are stored in areas, storage facilities, and warehouses operated by Customs shall be subject to storage fees and any additional fees levied on the storage and inspection processes of the goods and all the other services provided by Customs.

Goods that are stored in free zones shall only be subject to the operating fees of their storage zones and to the fees levied on the services of which they benefit. The price of publications and the service fees referred to in the two previous paragraphs shall be determined by a decision by the Minister of Treasury. The latter or his deputy may reduce storage fees or grant exemption therefrom in the cases that he determines.

### **Article (114)**

A decision issued by the Minister of Treasury shall specify the remuneration for the work performed by customs officers and workers for the benefit of concerned parties outside official working hours or outside customs stations, or inside warehouses and storage facilities operated by public institutions and bodies and public sector companies.

### **Article (115)**

The fees and remunerations provided for in the two previous articles shall not be covered by the exemption or drawback referred to in this law.

**Part (6)**  
**Customs Violations**

**Article (116)**

Captains of ships, aircraft, and other means of transport shall be subject to a fine of no less than LYD 20 and no more than LYD 200 if they fail to present the manifest within the specified period or in the absence of the manifest.

**Article (117)**

A fine ranging between LYD 10 at least and LYD 50 at most shall be imposed in the following cases:

1. Failure of customs brokers to observe the regulations that specify their duties.
2. Failure of ship and aircraft suppliers to observe the rules and procedures that regulate their work.
3. Failure to preserve the seals on parcels or means of transport, without it entailing a loss or change in the goods.
4. Presentation of false information regarding the origin or type of the goods.

**Article (118)**

Captains of ships, aircraft, and other means of transport shall be subject to a fine not less than the value of customs duties subject to loss, and not exceeding double, in addition to other due taxes resulting from unjustified shortage in the number or content of parcels or in bulk goods compared to the manifest.

**Article (119)**

Fines stipulated by the previous articles shall be imposed by the competent Customs director. They shall be paid within fifteen days from the date that violators are notified of such decision by registered letter with acknowledgment of receipt, unless the concerned parties submit a complaint in this regard to the Customs Director General within the aforementioned fifteen-day period, in which case the Director General may endorse, amend, or cancel the fine.

Fines shall be levied jointly on both perpetrators and accomplices by means of administrative distraint. Goods shall be considered a security against the payment of such fines.

The decisions of the Customs Director General may be appealed before the competent court within fifteen days from their announcement through a registered letter with acknowledgment of receipt. The court's judgment shall be final and unappealable.

**Part (8)**  
**Customs Smuggling**

**Article (120)**

The entry or exit of all kinds of goods into or out of the Republic by illegal means without payment of all or part of the customs duties or in contravention of the rules in force regarding prohibited goods shall be regarded as smuggling.

Failure to present statements, declarations, or any other documents related to cargo or to present the reports by the persons in charge of the means of transport; submitting forged, false,

or fabricated documents or invoices; abstaining from submitting any statement, declaration, or document; providing false information; placing phony marks or concealing marks; or committing any other act aimed at avoiding customs duties, wholly or partially, in violation of the regulations in force concerning prohibited goods, shall also be regarded as smuggling.

The failure to seize the goods shall not preclude from proving the occurrence of the act of smuggling.

#### **Article (121)**

Any of the following acts shall be considered as smuggling:

1. Presence of goods on a means of transport which are not stated properly in the statement, after unloading the cargo and during their presence inside the customs borders.
2. Absence of goods on board a means of transport, which were carried thereon and mentioned in the statement during their presence inside the customs borders, with the exception of goods that are unloaded in a legal manner.
3. Goods that have been unloaded illegally.
4. Failure to present any goods to the customs officer, which are subject to customs duties and listed in the statement, declaration, or report, unless the person in charge of the means of transport provides a sufficient explanation about these goods, which is convincing to the customs officer.
5. Omission of any information required in the manifest.
6. Shipping and unloading goods that are subject to customs control, or their transfer from one means of transport, pier, storage facility, customs station, or any other place to another or to outside the customs station without obtaining a permit from Customs in accordance with the provisions of this law.
7. Transporting or assisting in the transportation of goods that are under customs control from a means of transport which is not declared in a statement or any other relevant document, or which failed to declare the goods in their statement or any other relevant document, without obtaining a permit from Customs in accordance with the provisions of this law.
8. Possession or transport of goods within the scope of customs control in violation of the customs regulations.
9. Knowingly concealing smuggled goods, accepting their storage, preserving the same, or assisting therein in any way.
10. Obstructing and assaulting the competent customs officer or any person who assists him in preventing smuggling, if such happens during the exercise of their duties or the seizure of any goods subject to confiscation in accordance with the provisions of this law.
11. Usurpation or attempted usurpation of any goods that are seized in execution of the provisions of this law.
12. Breaking or destroying goods in any way with the intent of preventing their seizure or retaining them, whether before or during seizure.
13. Harboring vessels, landing aircraft, or parking any other means of transport inside the customs station in other than the places designated by the competent entities.
14. Unloading goods within the customs station in other than their designated places.



15. Leaving vessels, aircraft, or other means of transport in the customs station without the Customs' authorisation.
16. Entering the customs station or boarding any means of transport coming from abroad and present at a seaport, airport, or customs office without the Customs' authorisation, without prejudice to the employees of public departments, bodies, and institutions the nature of whose job requires their presence at the customs station or at the seaport, airport, or customs office.
17. Entry or exit or attempted entry or exit of goods into or out of the Republic through other than the customs routes or offices.
18. Violation of the regulations pertaining to transit, warehouses, temporary admission, temporary release, or exemptions.

#### **Article (122)**

Without prejudice to any harsher penalty stipulated by another law, smuggling or attempted smuggling shall be penalized by a fine not exceeding three times the due customs duties in addition to three times the value of the goods, or the amount of LYD 100 – whichever is greater – by imprisonment for a period not exceeding six months, or by both penalties.

In all cases, the court may, in addition to the aforementioned penalties, order the confiscation of the goods subject of smuggling. It may also order the confiscation of the means of transport, tools, and materials used in the act of smuggling, with the exception of vessels and aircraft unless they are equipped or rented for such purpose.

In the event of recidivism, the penalty and the fine may be doubled. Smuggling cases filed by the Public Prosecution shall be referred to court urgently.

#### **Article (123)**

Any person who recovers or attempts to recover customs duties, amounts paid to customs, or all or part of production taxes through any of the means set forth in Article 120 shall be subject to the penalties stipulated by the previous article.

#### **Article (124)**

Without prejudice to any harsher penalty stipulated by the Penal Code or other laws:

1. Any customs officer who abuses his functions by conspiring with others to seize goods or means of transport outside the requirements of the law, or who illegally delivers seized goods or means of transport, or agrees with others to deliver the same or to seize goods or means of transport that are subject to confiscation by law, or conspires with any person to smuggle goods or overlooks the same, or takes part in any of the foregoing acts shall be punished by imprisonment for a period not exceeding five years or a fine not exceeding LYD 1,000, or by both penalties.
2. The penalty stipulated by Article 226 of the Penal Code shall apply to the following persons:
  - a. Any customs officer who accepts bribes or favours as a reward for violating any provision of this law.
  - b. Any person who provides, or guarantees, offers, or promises the provision of a bribe, favour, or reward to any customs officer, conspires to tempt him in any way into

neglecting his duty, or aims to influence him in the exercise of his duties, whether by means of threats, promises, or intimidation.

#### **Article (125)**

The captains of ships and aircraft and the drivers of other means of transport shall be civilly responsible for each contravention pertaining to the crew of the ships, aircraft or the means of transport. They shall provide sufficient financial guarantees to cover the payment of the customs duties and fines payable by law. In the event of failure to provide such guarantee, the ships, aircraft and other means of transport shall be a guarantee for the payment of customs duties and fines.

The owners of the goods shall be responsible for all the acts of their employees as well as for the acts of their customs brokers pertaining to the preparation of customs information and formalities. Customs brokers shall be answerable for their acts and those of their employees in this respect.

#### **Article (126)**

Upon seizure of a means of transport or goods, the competent Customs director shall notify the owner thereof in writing of such seizure by delivering the notification in person or by sending a registered letter with acknowledgement of receipt to his place of residence or his last known address. Such means of transport or goods shall be regarded as confiscated if their owner or the person with whom they were seized does not object before the competent court within one month from the date of notification of the seizure. The court may order the confiscation of the seized goods or means of transport, and all the sums paid by order of the court shall be acquired by the Customs cash office whether in the form of accrued taxes or fines for customs offences and violations, after deducting the expenses of the legal action and procedures.

#### **Article (127)**

In this law, “customs actions” shall refer to criminal proceedings initiated in the event of offenses committed against the provisions of this law and the regulations issued thereunder, in addition to measures taken to obtain customs duties or fines or rulings to confiscate goods or means of transport. All amounts deemed by the court to constitute payable duties or fines for customs violations shall revert to the Customs treasury after deducting court and procedure costs.

#### **Article (128)**

The Public Prosecution shall bring customs actions before the competent criminal courts.

#### **Article (129)**

Any person who is subject to customs criminal proceedings in accordance with the provisions of this law, and any person who objects to seizure in accordance with Article 125 shall be responsible for providing proof of payment of the customs duties and of the legitimacy of the import, export, transport, loading, unloading, or transit by land or sea from one ship to another or by coastal navigation route.

### **Article (130)**

Prosecution or legal action may not be taken with regard to smuggling offences and violations of the provisions of this law and the regulations and decisions issued in accordance herewith, which are committed or suspected of being committed, unless by a written letter from the Customs Director General or the person delegated by the Minister of Treasury for this purpose.

The Customs Director General, in lieu of the procedures referred to in the previous article, may resort to conciliation before the filing of the action, except for the crimes provided for in Article 124. He shall have full power to accept from the perpetrator an amount not exceeding the maximum amount of the fine, in addition to confiscation when required or to the value of the goods that are to be confiscated in accordance with the law. The Minister of Treasury may mandate the power of conciliation to any customs officer he deems fit within the limits determined by this minister.

The conciliation shall result in abating the effects of the smuggling or violation offence, provided that the incident is recorded as a customs precedent against the accused and a criminal record is issued for him.

### **Article (131)**

Customs shall have the right to dispose of the goods, means of transport, tools, or materials which are confiscated by final ruling.

### **Part (9)**

### **Sale of Goods**

### **Article (132)**

Customs may sell the goods which have remained in customs storage facilities or piers for over two months, upon approval of the Customs Director General.

The Customs Director General may reduce this period in cases of necessity. Goods that are subject to loss or destruction, or animals may not be kept at Customs for over 24 hours. If they are not withdrawn during this period, Customs shall prepare a report on their status and sell them automatically without the need to notify the concerned persons.

The provisions of the first paragraph shall apply to items left by travellers at customs offices.

### **Article (133)**

Before issuance of the competent court's ruling or the competent entity's decision, depending on the case, Customs may sell the goods and the items subject to destruction, leakage, or loss, and the animals kept therein as a result of a dispute or seizure.

The sale shall occur upon proving the justifying circumstances thereof by a report prepared by the competent customs officer. If, following the sale, it is decided to return the foregoing goods, items, or animals to their owner, the latter shall be paid the remainder of the sale value after deducting the expenses.

### **Article (134)**

Customs shall also have the right to sell:

1. Goods and objects which have devolved to Customs as a result of a reconciliation or assignment.
2. Goods which have not been withdrawn from the general or private warehouses during the specified periods, subject to Article (90).
3. The remainder of the goods and items of negligible value and unidentified owners, which have not been claimed for two months.

#### **Article (135)**

The sales provided for in the previous articles shall be effected under the terms and conditions prescribed by a decision by the Minister of Treasury. The goods shall be sold after payment of the customs duties and other taxes and fees, and the price shall be paid immediately.

#### **Article (136)**

The proceeds of sale shall be distributed in the following order:

1. Selling expenses and any kind of costs incurred by Customs.
2. Customs duties
3. Other taxes and fees
4. Expenses by the warehouse owner
5. Storage charges
6. Freight

The remainder of the selling price of the goods authorised to be imported shall be deposited as a trust with the Customs cash office after deduction of the above expenses. The concerned parties shall have the right to claim it within three years from the date of sale, otherwise it shall become the right of the State Treasury.

### **Part (10)**

#### **Final Provisions**

#### **Article (138)**

The Minister of Treasury shall issue a decision specifying the rules for the distribution of indemnities, fines, and the value of confiscated items to informants and those who exposed the offence or assisted in its detection or exposure or in the completion of related procedures.

#### **Article (139)**

For the collection of all customs duties and other fees collected by the Customs Administration, as well as the collection of fines, indemnities, confiscations, and refunds, the Customs Administration shall enjoy a general lien over the movable and immovable assets of taxpayers, even in the event of bankruptcy, as well as priority over all debts except those related to maintenance and court costs.

#### **Article (140)**

No person shall be entitled to claim a refund from the customs of any duties which have been paid over three years ago. His right for a refund claim shall start on the date of payment of such duties.

All amounts paid as guarantee and security shall irrevocably constitute a payment of customs duties and other taxes within the time limits and under the conditions specified by the Customs Administration, unless the goods owners submit the documents and fulfil the requirements, within the specified periods, which allow for the settlement of such guarantees and securities. In this case, such periods may exceed six months, with the exception of guarantees that are paid in return for the withdrawal of the goods in conformity with the regulations concerning temporary release.

In all cases, the remaining balance may not be claimed after three years from the date of payment of guarantee and security amounts unless the delay is caused by the Administration.

#### **Article (141)**

The Minister of Treasury shall have the right to enter into any agreement with the customs authorities of neighbouring territories in order to facilitate the implementation of the provisions of this law and the customs laws in force in such territories.

All agreements that have been in force before the entry into force of this law shall be regarded as concluded in accordance herewith.

#### **Article (142)**

The terms used herein shall have the following meanings ascribed to them, unless the context requires otherwise:

Abroad: outside the customs borders

Customs borders: The Libyan coast and the borders between the Libyan Arab Republic and neighbouring states. The customs borders shall encompass the airspace above such coast and borders, and any bridge, barge, ship, port, harbour, or berth used to transport goods or passengers to and from an anchored ship or boat at any port or harbour to and from which imported or exported goods are transported abroad or transhipped.

Customs station: the place designated by the Minister of Treasury at any customs office, seaport, or airport where goods are stored for inspection until payment of customs duties and other fees levied thereon.

Customs officer: any person who works for Customs within the limits of the competences assigned thereto whether by this law, the Civil Service Law, or the law on the Customs guard.

Customs station: any place designed to complete customs formalities.

Export: transportation of goods from the Libyan Arab Republic through the customs borders.

Goods: All kinds of movable assets, including animals.

Import: transportation of goods into the Libyan Arab Republic through the customs borders.

Means of transport: animals, boats, ships, aircraft, cars, and all other vehicles used to transport goods.

Owner: the legal possessor, importer, exporter, receiver, representative, or holder of goods or means of transport, and any person other than customs officers who has the right to dispose of or control the goods or means of transport.

Prohibited goods: goods of which the import or export is prohibited by this law or by other laws.

Prohibited imports, prohibited exports: same as above meaning.

Restricted goods: goods of which the import or export is restricted by this law or by any other law. They refer to restricted imports and restricted exports (similar meanings).

Vessel: all kinds of maritime means of transport.

Smuggling: importing, exporting, or carrying goods or any attempt thereof with the intent to commit fraud, evade customs duties, or avoid prohibitions or restrictions stipulated by this law or by any other law. The term “smuggle” and “smuggled goods” shall have the same meaning.

Time of import or export: time during which the goods are transported across the customs borders from or to Libya.