

Cabinet Decree No. (129) of 2013 AD
on adopting the organisational structure and competencies
of the Ministry of Communication and organising its administrative unit

The Cabinet,

Upon review of:

- The Constitutional Declaration and amendments thereto;
- The Law of the Financial System of the State, and the budget, accounts, and stores regulations and amendments thereto;
- Law No. (12) of 2010 AD issuing the Labour Relations Law and the implementing regulations thereof;
- Law No. (22) of 2010 AD on communications;
- General National Congress Decree No. (10) of 2012 AD granting confidence in the interim government;
- Cabinet Decree No. (31) of 2012 AD approving the organisational structure and competencies of the Ministry of Communication and Informatics and organising its administrative unit;
- Cabinet Decree No. (28) of 2013 AD establishing the National Information Safety and Security Authority;
- General People's Committee (formerly) Decree No. (63) of 2005 AD establishing the Libyan [Post] Telecommunications & Information Technology Company (LPTIC) (a holding company);
- Director of the Office of the Minister of Communication Letter No. (181) of 6 February 2013 AD;
- Secretary of Cabinet Affairs Letter No. (338) dated 5 March 2013 AD and Letter No. (708) dated 20 March 2013 AD;
- The decrees of the Cabinet in its fourth extraordinary and tenth ordinary meeting of 2013 AD;

has decreed:

Article (1)

The organisational structure of the Ministry of Communication shall be approved and its administrative unit shall be organized and the competencies thereof set out in accordance with this Decree.

Article (2)

The Ministry of Communication shall establish the rules to develop and improve the informatics, communications, and technology sector, identify incentives and controls to drive further growth in this sector with regard to competition, equality, and respect for the laws in force, and provide advice to the government on issues related to informatics, communications, and technology. It shall undertake the following in particular:

1. Informatics, communications, and technology planning, policy, strategy, and regulation, informatics, communications, and technology sector development, the electronic enablement strategy, and activities related to Libya.
2. Establish the general rules regulating informatics, communication, and technology services in Libya and propose legislation on the informatics, communication, and technology sector to the Cabinet.
3. Establish and monitor the policies necessary to liberalise the informatics, communication, and technology sector.
4. Ensure the creation of a competitive environment and equal opportunities for all service providers in the informatics, communication, and technology sector.
5. Establish the strategy necessary to regulate the informatics, communication, and technology sector, in line with the general strategy for this sector, the plans for its liberalisation, and the certification of the regulatory strategy.
6. Review legislation submitted by bodies affiliated to the Ministry and bodies specialised in communications regulation, preliminary to the approval thereof according to the constitutional rules, in conformity with the road map established to regulate the informatics, communication, and technology sector.
7. Monitor prices of the informatics, communication, and technology sector and intervene to prevent anti-competitive practices.
8. Monitor compliance with service quality level in the informatics, communication, and technology sector and impose fines on violators.
9. Effectively ensure, utilise, and monitor spectrum management for all informatics, communication, and technology services.
10. Work to develop next-generation infrastructure services in the informatics, communication, and technology sector.
11. Control broadcast licensing operations and monitor the content of electronic media.
12. Plan and manage activities leading to digitalisation and bringing the media and informatics, communication, and technology sectors closer together.
13. Ensure effective digital protection and information security at the national level.
14. Lead the process of attracting and developing human resources for informatics, communication, and technology.
15. Foster creativity and leadership in the informatics, communication, and technology sector.
16. Represent Libya in regional and international organisations concerned with informatics, communication, and technology.
17. Supervise commercial entities and companies providing services owned by the State and ensure they provide the required reports and comply with legislation.
18. Lead the government's electronic activities at the national level, ensure electronic governmental services are widely provided, and improve electronic interaction between citizens, private companies, and government bodies.
19. Lead electronic transformation efforts and increase digital knowledge in all age groups throughout Libya, in close cooperation with all government bodies and concerned ministries.
20. Approve, certify, and apply the Ministry of Communication's operating model and workforce plan.
21. Any other competencies assigned thereto under the legislation in force.

Article (3)

The Ministry shall have a deputy minister, to be assisted in the performance of his duties by one or more deputy ministers working under his supervision and performing their tasks as determined by the minister and the legislation in force.

Article (4)

The organisational structure of the Ministry of Communication shall consist of the following organisational divisions:

- I. Divisions directly affiliated to the minister:
 - a. Office of the Minister
 - b. Audit Office
 - c. Advisory Office
 - d. Sector Investments Monitoring Office

- II. Divisions affiliated to the deputy minister:
 - a. Media and Public Relations Department
 - b. General Administration for Electronic Services
 - c. General Administration for Sector Development
 - d. General Administration for Administrative and Financial Affairs and Services
 - e. General Administration for Regulatory Affairs
 - f. Areas Department
 - g. Strategy and Planning Department
 - h. Projects Department
 - i. Department of Legal Affairs

- III. The following shall be affiliated to the Ministry and subject to the supervision thereof:
 1. National Information Safety and Security Authority
 2. Libyan Post Telecommunications & Information Technology Company (LPTIC) (a holding company)

Article (5)

The Office of the Minister shall hold competence to perform the following:

1. Manage the minister's appointments, meeting schedule, security, and installations.
2. Document the minister's meetings and monitor the resultant duties.
3. Coordinate incoming and outgoing mail and work under the minister's directives.
4. Stamp and register the decisions issued by the minister, circulate them to the concerned bodies, departments, and offices at the Ministry, and monitor the implementation thereof.
5. Support the minister in preparing speeches, lectures, memorandums, and public announcements, participate in activities and events related to informatics, communication, and technology, and prepare the necessary materials preliminary to announcements the minister wants to make in general.
6. Undertake the necessary measures to provide the minister with the means necessary or beneficial to the performance of his responsibilities. In doing such, he may seek the assistance of anyone he finds necessary.

Article (6)

The Audit Office shall hold competence to perform the following:

1. Establish and implement the annual review and audit plan.
2. Check Ministry operations to assess the effectiveness of internal administrative and financial controls and ensure compliance with administrative policies.
3. Assess the strength, credibility, and spread of financial and operating information, the effectiveness and sufficiency of operations, maintenance of standards, and compliance with legislation, regulations, and contracts.
4. Ongoing assessment of the extent to which the Ministry has established sufficient standards to achieve its goals.
5. Issue periodic reports to upper management on the results of auditing activities.
6. Assess the extent to which operational and program goals are established and the Ministry's goals are observed (in cooperation with the Strategy and Planning Department).
7. Assess the possibility of combining or consolidating units and adding or amending services, operations, procedures, and controls by improving and applying or expanding them or both.
8. Monitor global developments and new directions in internal audit and apply them at the Ministry, if possible and beneficial.

Article (7)

The Advisory Office shall hold competence to perform the following:

1. Provide opinions and participate in the preparation of systems and regulations that the Ministry is preparing, in accordance with the competencies granted thereto and the legislation issued in this regard.
2. Propose ways of encouraging investment in the sector.
3. Participate in preparing national plans for the sector.
4. Participate in preparing various studies at the Ministry.
5. Contribute to enhancing the provision of services.
6. Any other competencies assigned thereto in accordance with the legislation in force.

Article (8)

The Sector Investments Monitoring Office shall hold competence to perform the following:

1. Monitor procedures to ensure sector contributions to implement the policy approved by the Ministry.
2. Perform a coordinating role to communicate with sector companies owned by the State.
3. Monitor the performance of commercial companies operating in the communications sector.
4. Monitor the implementation of the Ministry's regulations at sector companies owned by the State and other companies in the sector.
5. Conduct and participate in talks and negotiations, as the case may be, with national and foreign advisers in the sector.
6. Monitor sector development and growth, and the extent to which companies comply with the instructions issued by the Ministry.
7. Collect and analyse data on sector performance.
8. Study investment opportunities in global activities in the informatics, communication, and technology field, in coordination with the competent bodies, to serve the Ministry's strategy.
9. Monitor the effectiveness of spending in accordance with the plans in place.
10. Review all requests for external technical assistance submitted by companies owned by the State, and ensure compliance with the general budget.

Article (9)

The Media and Public Relations Department shall hold competence to perform the following:

1. Develop the Ministry's communications strategy, policy, and guidelines.
2. Manage, develop, and implement the Ministry's communications campaigns.
3. Manage relations with media agencies, including selecting agencies, collecting media requirements, and negotiating tariffs, and monitor media spending.
4. Coordinate communications campaigns for the Ministry's programs.
5. Produce press releases and reports on events related to the Ministry or its programs.
6. Collect information from all organisational units and issue annual reports on communications activities.
7. Disseminate information within the Ministry about the Ministry, its services, and Ministry workers.
8. Produce and update content on the Ministry's website.
9. Monitor news about the Ministry or its work in the media and respond when necessary.

Article (10)

The General Administration for Electronic Services shall hold competence to perform the following:

1. Study and design information systems and networks to provide electronic services to the various sectors.
2. Monitor, support, design, develop, and implement electronic services at the Ministry, in accordance with service requirements.
3. Develop, maintain, monitor, and update electronic service systems, and ensure the performance and spread of electronic services.
4. Design, develop, and monitor the provision of electronic and infrastructure services, such as the performance of electronic services.
5. Design, maintain, and monitor integrated systems and plans, designing and developing an integrated channel with general directives and criteria, and establish reference designs and standards for information technology for the Libyan electronic government.
6. Develop, administer, and upgrade the national portal for government electronic transactions to make it a unified electronic portal for government services and information.
7. Coordinate with the Libyan Network for Electronic Commerce to establish the needs and rules on electronic signatures and administer the related commercial activity licensing.
8. Provide the competent electronic services body with reports on workflow in government electronic programs and the completion of its mission and strategy.

Article (11)

The General Administration for Sector Development shall hold competence to perform the following:

1. Implement the Ministry's strategy to ensure an encouraging environment for workers through the informatics, communications, and technology sector to attract highly skilled workers and investment and achieve feasible investments.
2. Establish a work plan to foster creativity and leadership in the informatics, communication, and technology field by granting incentives to foreign companies and establish zones for the sector, companies nurturing projects and innovators, and the like.
3. Undertake procedures that ensure the realisation of leading investments.

4. Propose the necessary recommendations for the Sector Investments Monitoring Office on increasing investment in the informatics, communications, and technology sector.
5. Propose the legislation necessary to create investment incentives in the informatics, communications, and technology sector.
6. Build and manage the necessary relations with strategic partners, in coordination with the related bodies at the Ministry.
7. Assess the proposals submitted by the competent bodies on opportunities available to companies and cooperation in Libya and abroad.
8. Conduct annual assessments of the informatics, communications, and technology sector to achieve the Ministry's strategic goals.

Article (12)

The General Administration for Administrative and Financial Affairs and Services shall hold competence to perform the following:

1. Provide the necessary services upon request in the areas of human resources, professional and administrative affairs, archives, accounting, finance, building and facility management, services, and information technology services.
2. Assess service requests, improve areas of cooperation, and provide administrative support.
3. Utilise resources to build new capacities, introduce work standards in the various organisational units, and exercise the competencies set out in the legislation in force.

Article (13)

The General Administration for Regulatory Affairs shall hold competence to perform the following:

1. Work to regulate the communication, informatics, and post sector in Libya.
2. Contribute to creating a legislative framework leading to liberalisation of the communications market.
3. Encourage universal access to communications services.
4. Observe procedures that ensure market competition to improve service quality and provide advanced services and competitive prices.
5. Work to adopt measures that increase public confidence in the communications market through transparent regulation and licensing.
6. Apply the legislation in force to protect the rights of operators and providers.
7. Encourage increased service access for all users through effective arrangements to link networks and tariff calculation mechanisms.
8. Improve the effective use of limited resources such as the spectrum, numbers, and domain names.
9. Settle disputes in a systematic, transparent, and prompt manner.
10. Coordinate with the competent bodies to participate in general consultations related to sector activities.

Article (14)

The Areas Department shall hold competence to perform the following:

1. Conduct field surveys for wired and wireless communications projects in the areas.
2. Conduct field surveys to measure spectrum use, radiation levels, and interference.
3. Engage in "secret shopping" to identify anti-competitive practices.
4. Coordinate among service providers in the areas.

5. Monitor service provider compliance with prices, service quality standards, and spectrum use requirements.
6. Receive user complaints about service and file reports thereon.
7. Provide legal advice to area offices on contract language, in coordination with the Legal Department.
8. Provide internal strategic expertise and support to all organisational units.
9. Coordinate with the Ministry's Legal Department to guarantee the rights and interests of the Ministry and its workers as relates to the Ministry's scope of work and cases filed by or against the Ministry in the areas.
10. Communicate with the General Administration for Administrative and Financial Affairs and Services to provide the required assistance and support.
11. Provide spectrum management support to the competent field study body.
12. Perform regulatory affairs licensing management tasks.
13. Monitor the application of regulations in effect in the areas.

Article (15)

The Strategy and Planning Department shall hold competence to perform the following:

1. Manage the development of the national strategy for informatics, communication, and technology, in coordination with the Ministry's departments, divisions, and units and the concerned external departments.
2. Promote the vision, strategic goals, and related activities in all of the Ministry's organisational units.
3. Establish performance evaluation cards (performance indicators) and disseminate them in all of the Ministry's organisational units.
4. Monitor the effective implementation of strategy and prepare reports assessing performance.
5. Proactively identify problems implementing the strategy and bring such matters to senior management through the minister.

Article (16)

The Projects Department shall hold competence to perform the following:

1. Monitor the implementation of all programs and projects by the Ministry's organisational units.
2. Collect project requests from departments and units, compare such with the Strategy and Planning Department's data, and prepare annual programs to implement the projects.
3. Communicate with the financial and procurement units and the administration to ensure availability of the means for implementing projects.
4. Manage the Ministry's strategic projects.
5. Monitor the completion of the Ministry's projects and provide project management expertise to the units thereof where required.
6. File reports on project completion to the deputy minister and the Strategy and Planning Department.

Article (17)

The Department of Legal Affairs shall hold competence to perform the following:

1. Prepare legal briefs and provide opinions and advice on the matters referred thereto.
2. Review and formulate the draft laws and regulations required for the Ministry's work.

3. Study draft contracts and agreements the Ministry intends to conclude.
4. Study and review the legal terms of tenders and the related contracts, without prejudice to the competencies of the competent tenders committee.
5. Prepare correspondence, reports, and draft decrees issued under the minister's directives.
6. Monitor cases filed by and against the Ministry.
7. Undertake the necessary measures to protect the Ministry's legal rights and obligations.
8. Work to provide legal references, laws, regulations, publications, and circulars in force.
9. Participate in membership on the Ministry's investigating committees and the committees required by the nature of such committees.

Article (18)

All workers' affairs shall be subject to the regulations currently in force at the Ministry, without prejudice to this Decree. The Ministry may submit any matters requiring amendment or the required proposals to the Cabinet.

Article (19)

The minister may directly assign any employee affiliated to and working at the Ministry to perform any work he deems necessary or provide any information or documentation requested thereby, keeping in mind that the assigned person shall coordinate with their direct supervisor in the cases requiring such.

Article (20)

The Ministry may seek the assistance of experts, advisers, and competent parties outside the Ministry, provided the related decrees and contracts state their tasks and remuneration, without prejudice to the legislation in force.

Article (21)

The Ministry's internal regulations shall be issued in a decree from the Minister of Communication.

Article (22)

This Decree shall enter into force on its date of issue. The concerned bodies shall enforce this Decree and any provision contrary to those herein shall be repealed. This Decree shall be published in the Official Gazette.

The Cabinet – Libya

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