

General People's Committee
Decree No. (81) of 1376 FDP 2008 AD
establishing the Ports and Maritime Transport Authority

The General People's Committee,

Upon review of:

- Law No. (1) of 1375 FDP on the People's Congresses and the People's Committees, and the implementing regulations thereof;
- The Libyan Maritime Law and amendments thereto;
- The Law of the Financial System of the State and amendments thereto;
- Law No. (53) of 1970 AD on port fees and amendments thereto;
- Law No. (81) of 1970 AD on ports and amendments thereto;
- Law No. (55) of 1976 AD issuing the Civil Service Law and amendments thereto;
- Law No. (15) of 1981 AD on the salary system for national employees of the Socialist People's Libyan Arab Jamahiriya;
- Law No. (16) of 1991 AD assigning certain competencies to the General People's Committee;
- Law No. (18) of 1991 AD establishing the Arab Navigation Chamber;
- The Revolutionary Command Council Decree issued on 16/02/1979 AD on joining the International Maritime Organisation;
- General People's Congress Decision No. (3) of 1375 FDP on specifying the sectors managed by general people's committees;
- General People's Committee Decree No. (152) of 1372 FDP on the implementation of the International Ship and Port Facility Security Code (ISPS Code);
- General People's Committee Decree No. (280) of 1374 FDP approving certain provisions on ports and amendments thereto;
- General People's Committee Decree No. (159) of 1375 FDP establishing the General Authority for Marine Resources;
- General People's Committee Decree No. (188) of 1375 FDP establishing the National Centre for Training and Professional Development;
- Based on the submission of the Secretary of the General People's Committee for Communication and Transportation in his Memorandum No. (24) dated 08/07/1375 FDP;
- The decrees issued by the General People's Committee in its twenty-first ordinary meeting of 1375 FDP;

has decreed:

Article (1)

Pursuant to this Decree, a general authority called the Ports and Maritime Transport Authority shall be established, which shall be a legal entity with financial autonomy subject to the supervision of the General People's Committee for Communication and Transportation.

Article (2)

The Authority's main headquarters shall be in the district of Jafara, Libya. Authority branches and offices may be established in Libya under a decree from the General People's Committee for Communication and Transportation.

Article (3)

The Authority shall implement general policy in the field of ports and maritime transport and establish and supervise the implementation of the plans and programs necessary for such, in particular the following:

- Implement the Libyan Maritime Law and legislation related to ports and maritime transport and propose the necessary amendments thereto to serve the area of the Authority's work.
- Study, design, implement, develop, and maintain commercial maritime ports and participate in studying, designing, and implementing oil and industrial ports.
- Identify maritime professions at ports within the Authority's activity and undertake the procedures necessary with regard to the issuance of maritime passports from the competent bodies.
- Issue licenses to port workers for maritime professions.
- Issue licenses and certificates of seaworthiness for national vessels and floating crafts and establish the rules related thereto.
- Issue operating licenses for foreign marine units to operate in ports and regional waters and the monitoring procedures therefor.
- Issue certifications for marine officers and engineers.
- Manage ports in accordance with Law No. (81) of 1970 AD on ports, Law No. (53) of 1970 AD on port fees and amendments thereto, and the legislation in force.
- Collect political fees and royalties for ports, in accordance with the legislation in force.
- Represent the Great Jamahiriya in the International Maritime Organisation and other regional and international organisations and related federations.
- Study international treaties and agreements related to ports and maritime transport, in coordination with the related bodies, and make recommendations on the Great Jamahiriya's position thereon.
- Investigate marine accidents and prepare the technical reports related thereto, in coordination with the related bodies.
- Work to protect the marine environment and prevent pollution thereof in implementation of national and international legislation in coordination with the related bodies.
- Propose setting the proceeds for services provided to third parties within its area of competence and protect such, in accordance with the legislation in force.
- Train and qualify national elements in the area of marine and port transport and establish the necessary programs for such, in accordance with the system and rules in place with regard thereto under the legislation in force.
- Conduct all acts and works that assist it in performing its duties.

The provisions of this Article shall not prejudice the competencies assigned to the General Authority for Marine Resources.

Article (4)

The Authority shall be managed by an administrative board named under a decree from the General People's Committee based on a proposal from the General People's Committee for Communication and Transport.

Article (5)

The Authority's administrative board shall hold competence to perform the following:

- a. Establish and monitor the implementation of the executive programs necessary to achieve the Authority's goals, provide the requirements for such from local and foreign sources, and work to implement them.
- b. Prepare the draft organisational structure, the technical regulations governing work at the Authority, and its staffing and submit them to the competent bodies for issuance.
- c. Prepare the Authority's estimated draft budget.
- d. Approve the Authority's document cycle and the manner of circulating and registering it, the method of keeping documents, contracts, and important paperwork to ensure they are preserved, and submit that requiring approval to the secretary of the Authority's administrative board.
- e. Present and propose entering into draft contracts and submit them in accordance with the legislation in force.
- f. Propose training plans to improve the efficiency of Authority workers.

Article (6)

The secretary of the Authority's administrative board shall hold competence to perform the following:

- Manage the Authority's affairs and coordinate and direct its activities.
- Propose the Authority's organisational structure and the technical regulations governing its work and submit them for approval.
- Propose and submit the Authority's draft budget and balance sheet.
- Handle the Authority's relations with third parties and represent it before the courts and sign contracts related to the Authority's activity.
- Submit periodic reports on the Authority's activity to the competent bodies when requested.

Article (7)

The fees and royalties set out below shall be political fees and royalties and any others shall be service royalties and revenue:

- I. Fees:
 - a. Port fees
 - b. Docking fees
 - c. Lighthouse fees
 - d. Operating license fees
 - e. Departure fees
 - f. Observation fees
- II. Royalties:
 - a. Dock royalties
 - b. Oil pipe transit royalties.

The Authority shall levy the political fees and royalties set out in this Decree and send the proceeds thereof to the public treasury.

Article (8)

The Authority shall have an independent budget prepared in accordance with the accounting regulations. The Authority's financial year shall commence with the start of the State's fiscal year and end at the end thereof. The Authority's first financial year shall commence from the date this Decree enters into force and end at the end of the following fiscal year.

Article (9)

The Authority's financial resources shall consist of the following:

- a. Amounts allocated thereto in the State's general budget.
- b. Revenue from its activities and services.
- c. Any other resources that it is licensed to collect.

Article (10)

The Authority shall open one or more bank accounts at a bank operating in the Great Jamahiriya, in accordance with the legislation in force.

Article (11)

The Authority's organisational structure shall consist of a number of departments and offices whose divisions and competencies shall be set out in a decree issued by the General People's Committee for Communication and Transport, after coordinating with the General People's Committee for Manpower, Training, and Employment.

Article (12)

The Socialist Ports Company and other companies and bodies shall engage in their activities in ports in accordance with their contract with the Ports and Maritime Transport Authority. The Authority shall be authorised to enter into contracts for the stores, covered yards, parking spaces, restaurants, cafés, and passenger stations at ports with the bodies providing such services at the ports affiliated to the Authority.

Article (13)

The ports mentioned in List (1) attached hereto shall be affiliated to the Authority. The ports, wharves, and platforms mentioned in List (2) attached hereto shall be subject to Authority supervision, provided such not prejudice the competencies assigned to the bodies to which such ports are affiliated.

Article (14)

The Authority shall reorganise the ports affiliated thereto and appoint and determine the competencies of the directors thereof.

Article (15)

All rights and obligations related to the activities of the Marine Transport and Ports Department at the General People's Committee for Communication and Transport shall be transferred to the Authority when this Decree enters into force. All budgetary allocations to said Department shall also transfer to the Authority. Current workers at the Marine Transport and Ports Department shall be transferred to work at the Ports and Maritime Transit Authority with the same job conditions. The Authority may also coordinate with National Centre for Training and Professional Development to meet its labour requirements.

Article (16)

The Financial Audit Authority's General People's Committee shall inspect and audit the Authority's balance sheet in accordance with the law.

Article (17)

General People's Committee Decree No. (280) of 1374 FBP approving certain provisions on ports and amendments thereto shall be repealed, and any provision contrary to those of this Decree shall be repealed.

Article (18)

This Decree shall enter into force on the date of its issuance. It shall be implemented by the competent bodies and published in the Legal Register.

The General People's Committee – Libya

Issued on: 09 Safar

Corresponding to: 16/02/1376 FDP 2008 AD

List (1)

**Attached to General People's Committee Decree No. (81) of 1376 FDP
Ports affiliated to the Ports and Maritime Transport Authority:**

1.	Tobruk Commercial Port
2.	Derna Commercial Port
3.	Benghazi Commercial Port
4.	Brega Commercial Port
5.	Ra's Lanuf Commercial Port
6.	Sirte Commercial Port
7.	Al-Khums Commercial Port
8.	Tripoli Commercial Port
9.	Zuwara Commercial Port

List (2)

Attached to General People's Committee Decree No. (81) of 1376 FDP Ports, Wharves, and Platforms subject to the supervision of the Port and Marine Transport Authority:

1.	Al-Hariqa Oil Port
2.	Al-Zueitina Oil Port
3.	Brega Industrial Port
4.	Al-Sidra Oil Port
5.	Ra's Lanuf Oil Port
6.	Misrata Commercial Port
7.	Iron and Steel [Company] Port
8.	Al-Zawiya Oil Port
9.	Mellitah Port
10.	Khoms Steam Power Plant platform
11.	Derna Steam Power Plant platform
12.	Abu Kammash wharf
13.	Ra's Al-Maqar wharf
14.	Bouri Field platform