

## Law No. (90) of 1972 AD

### On the approval of two agreements between the Libyan Arab Republic and The People's Democratic Republic of Algeria

#### In the Name of the People

#### The Revolutionary Command Council,

- Upon review of the Constitutional Declaration issued on 2 Shawwal 1389 AH, Corresponding to 11 December 1969 AD; and
- Law No. 88 of 1970 AD on the approval of certain agreements concluded between the Libyan and Algerian republics, and
- Based on the submission of the Minister of Unity and Foreign Affairs and the approval of the Council of Ministers,

#### Issued the following law

#### Article (1)

The Maritime Transport and Navigation Agreement and the Agreement for the Establishment of a Joint Venture for Public Land Transport and the annexes thereto, signed in the city of Tripoli on 29 Muharram 1392 AH, corresponding



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to 15 March 1972 AD, between the governments of the Libyan Arab Republic and the People's Democratic Republic of Algeria, have been approved. The provisions of the said agreements are attached to this Law.

## **Article (2)**

The Minister of Unity and Foreign Affairs and the Minister of Transport shall implement this law, which shall be published in the Official Gazette.

**Taha El Sherif Ben Amer**                      **Minister of Foreign Affairs**  
**The Revolutionary Command Council**

**Minister of Transport**  
**Gaddafi**

**Colonel / Muammar**

**Prime Minister**

**Issued on 25 Jumad Al-Awwal 1392 AH**

**Corresponding to 6 July 1972 AD**



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**Maritime  
Transport and Navigation Agreement  
between the Libyan Arab Republic and  
The People's Democratic Republic of  
Algeria**

**The governments of the**

**Libyan Arab Republic and**

**The People's Democratic Republic of Algeria**

**desire to establish mutual relations in the field of maritime transport and navigation**

**on the basis of equality and common interest. Therefore, both Parties have agreed as follows: -**

**Article (1)**

Both Contracting Parties shall make every effort to establish good bilateral relations between the responsible authorities in their countries in respect of maritime, commercial and navigational activities and to take the necessary measures to facilitate and develop them in accordance with the applicable legislation and regulations in both countries.

## Article (2)

a) “Ship of a contracting party” shall mean every merchant marine vessel that flies its flag in accordance with its laws.

Ships chartered by a contracting party shall be considered as ships flying its flag with regard to the application of the provisions of this Agreement;

b) The term “ship’s crew” shall mean every person who works on board of the ship and carries out work related to its navigation or maintenance and is recorded in its books as a member of its crew.

## Article (3)

Maritime transport between Libyan and Algerian ports shall take place by ships flying the flag of one of both countries, except in the case of necessity or the unavailability of ships at the other party.

## Article (4)

Ships of each contracting party bearing its flag shall have the right to carry 50% of the volume of transport on the basis of the total value of the freight.

## Article (5)



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Both Contracting Parties shall work to eliminate all discrimination between their ships in all aspects of maritime transport and shall cooperate to remove obstacles that prevent the improvement and development of maritime transport and all aspects of maritime activity between the ports of both countries.

### **Article (6)**

The Algerian National Shipping Company shall carry out the work of the maritime agency for Libyan ships in Algerian ports.

The bodies appointed by the Libyan General Organization for Maritime Transport shall carry out the work of the maritime agency for Algerian ships in Libyan ports.

### **Article (7)**

Each contracting party shall grant the ships of the other party, their crew, the goods carried by them and the passengers on them all facilities to enter its ports and to legitimately use them for all aspects of commercial maritime activity. Each contracting party shall also treat the other party according to the most-favored-nation principle in the field of maritime transport, entry and exit of ships, remaining in ports, mooring, loading, unloading and supplying them with what they need, as well as with regard to customs duties, port and other fees imposed on ships, their crew, goods and passengers and in respect of the use of



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cranes, warehouses, arsenals, dry docks, repair capabilities, and all systems in place in ports, including quarantine procedures.

### **Article (8)**

Each contracting party, within the scope of its own laws and legislation, shall take the necessary measures to reduce the period of docking of ships in its ports and to facilitate the applicable administrative, customs and health procedures.

### **Article (9)**

The relevant authorities in the country of each contracting party shall provide the same assistance to the ships of the other party, and their crew and cargo, as they provide to the ships bearing its own flag, in the event of their sinking, or being stranded or damaged. The provisions of stricken ships and their cargo in such cases shall not be subject to any customs duties except in respect of their exploitation or use for consumption. In respect of the application of the rules relating to maritime assistance and rescue, guidance shall be sought from the law of the country that provided assistance and the international agreements and maritime custom.

### **Article (10)**



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Judgments rendered in maritime commercial disputes by the competent authorities in the country of a contracting party shall be executed pursuant to the provisions of the laws of the country in which the judgment is required to be executed.

### **Article (11)**

The freight, fees, costs and expenses due on the ships of a party and its cargo, or on the services provided to them, as well as the fees paid in advance to the members of their crew, shall be paid in accordance with the terms stipulated in the commercial and payment agreements in force or that will come into force between both countries.

### **Article (12)**

The relevant authorities in the country of each contracting party shall recognize the validity of the details recorded in the papers, documents and registers borne by the ships of the other party that are issued or approved by the competent authorities in the country whose flag it bears. The details recorded therein about the ship's nationality, construction, equipment, suitability, cargo, crew members, or other data recorded in these papers shall be taken into consideration.

The said authorities shall also recognize the validity of the identification certificates and “maritime passports” carried by the seamen of the ships of the



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other party and shall grant the holders thereof, whose names are set out in the list given to the port authorities, the right to disembark at the port while their ships are docked there, provided that they are not unwanted persons, and that they comply with the instructions issued or will be issued by the port authorities in this regard.

### **Article (13)**

Each contracting party shall provide due care and necessary assistance in accordance with its laws to the seamen of the other party who are compelled by health conditions or other acceptable reasons to leave the ship, and it shall grant them the right to stay for the necessary period as well as to return to their country under the maritime passport.

### **Article (14)**

Masters of the ships of each contracting party shall have the right to hire seamen or others to work on their ships to supplement an emergency shortage in the number of their seamen or to meet other compelling circumstances so that they can continue their ships' voyages or ensure their safety. Such persons shall be treated according to the regulation of their country, and they shall return to it at the expense of those who hired them.



## Article (15)

The competent authorities in a contracting party may not interfere in the event of committing violations on board the ship of the other party or disputes between its master and members of its crew, except in the following cases:

- a) If the intervention is requested by the master or approved by the diplomatic representative of the country to which the ship belongs;
- b) If the violation or dispute is likely to lead to a breach of public security or of the system, laws and regulations in force; or
- c) If the violation was committed by someone other than the ship's crew members or the dispute was with third parties.

## Article (16)

Each contracting party shall provide the possible technical assistance requested by the other party in the field of expertise and training in all aspects of maritime activity.

## Article (17)

The provisions of this agreement shall not apply to warships and ships belonging to the port authorities, as well as ships that are not used in commercial maritime navigation, such as fishing and pleasure ships.



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## **Article (18)**

The authorities competent to execute this agreement in the country of each party shall work to consult and exchange information with one another and to form a joint committee to perform the content thereof.

## **Article (19)**

This agreement shall be valid for a period of five years, and shall be automatically renewed unless either party notifies the other party of its desire to terminate it before the lapse of one year after its expiry.

## **Article (20)**

This agreement shall come into force thirty days after the date of its ratification in accordance with the applicable constitutional procedures in both countries.

**For the Government of People's Democratic  
of the Libyan Arab Republic**

**Republic of Algeria**

**Bashir Wald Roais**

**For the Government**

**(Eisa Al Babaa)**



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**Agreement for  
the Establishment of a Joint Venture for Public Land Transport  
by and between  
the Libyan Arab Republic and  
the People's Democratic Republic of Algeria**

**The governments of the**

**the Libyan Arab Republic**

**and the People's Democratic Republic of Algeria**

**desire to strengthen economic relations to realize the interests of both sister countries;**

**consolidate the cooperation existing between them, especially in the field of public land transport; and**

**apply the Joint Venture Establishment Agreement, signed between both countries on 17 Rabi**

**al Awwal 1390 AH, corresponding to 23 May 1970 AD, have agreed as follows: -**

**Article (1)**



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Both Contracting Parties are interested in establishing an Algerian-Libyan company with public capital for public land transport.

The annex accompanying this Agreement shall include its statute.

## **Article (2)**

The company referred to in Article 1 of this Agreement shall have a legal personality and act pursuant to the laws of the country of its headquarters and the laws of the country in which it carries on its activity.

## **Article (3)**

Each contracting party shall undertake to provide the facilities aimed at strengthening and supporting the company's activity, in particular, to provide customs facilities for travelers during their entry to and exit from its territory.

## **Article (4)**

The regular lines operated by the company between both countries shall be determined as mutually agreed by both Parties.

## **Article (5)**



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The public sector institutions and companies in both countries shall provide the necessary facilities for the company.

### **Article (6)**

The provisions of this Agreement shall not preclude the application of laws related to security and public health in force in both countries that are not provided for herein.

### **Article (7)**

Any dispute relating to the interpretation or application of this Agreement shall be referred to the Algerian-Libyan Joint Committee referred to in Article 11 of the agreement signed between both countries on 17 Rabi' al Awwal 90 AH, corresponding to 23 May 70 AD.

### **Article (8)**

This Agreement shall be implemented after exchanging the ratification documents thereof.

**For the government of the  
of the**

**For the government**

**People's Democratic Republic of Algeria the Libyan Arab Republic**



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**(Bashir Wald Roais)**

**(Eisa Al Babaa)**



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**Annex**  
**Statute of the Algerian Company for Public Land Transport**  
**(Part I)**  
**Company Name - Purpose - Headquarters - Capital**

**Article (1)**

A joint venture for public land transport called the “Algerian Company for Public Land Transport” shall be established.

**Article (2)**

The company shall be subject to the principles stipulated in the agreement dated 17 Rabi al Awwal 1390 AH, corresponding to 23 May 1970 AD, signed between both countries. It shall also be subject to the laws in force in the country of its headquarters.

**Article (3)**

The company shall be managed and operated in accordance with the methods of commercial establishments vis-a-vis third parties.

**Article (4)**



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The company's activity shall be determined as follows: -

- a) Public land transport between the Libyan Arab Republic and the People's Democratic Republic of Algeria or any other region;
- b) Activities related directly or indirectly to public land transport, specifically transport of tourists and mail;
- c) Incorporation of companies or participation in capital of other companies carrying on the same activity, whether in the territory of a party or in the territory of a third country.

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

The company's headquarters shall be the city of Tripoli in the Libyan Arab Republic.

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

The company's capital shall be determined by a decree of the ministers of transport in both countries. The capital shall be submitted within two months from the date of exchanging the ratification documents. This may be in the form of cash or in-kind shares or both.

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



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The government of the People’s Democratic Republic of Algeria shall appoint the “National Passenger Transport Company” as an authority competent to execute the terms of this Agreement, and it shall hold 49% (forty-nine percent) of the company’s capital.

The government of the Libyan Arab Republic shall likewise appoint the “General Organization for Passenger Transportation” as an authority competent to execute the terms of this Agreement, and it shall hold 51% (fifty-one percent) of the company’s capital.

Each of both governments shall have the right to replace the appointed entity with a similar entity, provided that this does not affect the company’s activity and that the other party shall be notified of this three months before the date of such replacement.

## **Part II**

### **Management of the Company**

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

The company shall have a director general bearing the nationality of the country of the headquarters. The director general shall be appointed and dismissed by virtue of a decree of the Council of Ministers based on a proposal of the minister in charge of transport in that country.



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## **Article (9)**

The director general shall be conferred with all powers of management and actions that fall within the company's purposes, and he shall represent it before the courts and public authorities.

## **Article (10)**

Subject to the provision of Article (14), the responsibilities of the director general shall include:

- a) Preparing the company's draft estimated budget;
- b) Stating the financial position, the general operating account and the profit and loss account;
- c) Preparing the company's financial system regulations;
- d) Preparing the company's bylaws;
- e) Setting rules for hiring, disciplining, and dismissing employees;
- f) Developing investment programs;
- g) Preparing projects for construction, replacement, purchase and sale of real estate; and
- h) Preparing the annual report of the company's activities.

## **Article (11)**

The company's board of directors shall be consisted of:

- a) Three representatives of the government of the People's Democratic Republic of Algeria; and
- b) Three representatives of the government of the Libyan Arab Republic.

The board of directors shall select from amongst its members a chairman and deputy chairman. The chairman may not be of the same nationality as the director general.

## **Article (12)**

The term of the board members shall be eight years, and one third of them shall be renewed every two years.

## **Article (13)**

The board of directors shall meet at least three times a year at the invitation of its chairman. The board may hold extraordinary meetings upon the request of the minister in charge of transport in both countries, the Algerian-Libyan Joint Committee, half of the board members, or the company's director general.

## Article (14)

Responsibilities of the board of directors shall be as follows:

1. Review reports of the director general;
2. Approve the financial system regulations, bylaws, and the rules for appointment, discipline and dismissal of employees;
3. Approve the programs for investment, construction, replacement, sale and purchase of real estates, and the purchase and sale of shares; and
4. The board shall have the right to review any matter relating to the company's activity.

Board meetings shall be recorded in a special register, and the minister in charge of transport in both countries shall be notified thereof. Every board member shall have one vote. If a board member is absent, he may delegate another colleague, provided that a member may not represent more than one member.

Resolutions shall be issued by majority votes. In case of a tie, the chairman's side shall prevail.

## Article (15)



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Each of both governments shall appoint an auditor. Both auditors shall jointly review the company's records and documents. The auditors may also require the details and clarifications they deem necessary to perform their duties.

The auditors shall provide the ministers in charge of transport and ministers of finance in both countries with a report identifying the company's status, accounts and budget.

## **Part III**

### **Financial Systems**

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

The company's financial year shall commence on the first of January and end on 31 December of each year. The first financial year shall commence when the company commences business and shall end at the end of the following financial year.

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

In case of failure to approve the estimated budget at the beginning of the financial year, the estimated budget shall be implemented based on the maximum for the last month of the year.

### **Article (18)**

The company may take out medium or long term loans in a contracting country after getting joint approval from the ministers of transport and finance in the borrowing country.

### **Article (19)**

Based on the proposal of the company's director general, the board of directors shall issue a resolution determining the minimum and maximum reserves. It shall also determine the amount of profits to be deducted for this purpose.

### **Article (20)**

The profits and losses shall be distributed in proportion to the capital.

The board of directors shall determine the amount of profits to be distributed based on the proposal of the director general, having regard to the provisions of Article 10 of the Joint Venture Establishment Agreement concluded between both countries.

## **Part IV**

### **Liquidation - Settlement of Disputes**



## **Article (21)**

The company shall be liquidated upon termination thereof for any reason by representatives of both governments. The provisions of Article 8 of the Joint Venture Establishment Agreement concluded between both countries shall be taken into account when the country of the headquarters wishes to independently manage the company.

## **Article (22)**

All disputes related to the company's activity and liquidation, whether arising between both governments or between any of them and the company, shall be referred to the Algerian-Libyan Joint Committee mentioned in the Joint Venture Establishment Agreement.

The decisions of the committee shall be final.