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Organisations are advised that they are responsible for following the required customs procedures.

This document is subject to change according to the situation on the ground.

## Customs procedures for humanitarian cargo entering Libya through air and sea ports

- All humanitarian cargo is exempted from duties and taxes.
- Organisations should have a valid import licence (static card). Import licences are issued by the Ministry of Interior – Department of Statistical Code.
- Prior to the cargo's arrival, organisations should send a Note Verbale to the Ministry of Foreign Affairs (MOFA) to ask for tax exemption, informing them about the cargo arrival. The MOFA-Immunities Department will provide the organisation with a Diplomatic Exemption on Importations Form that must be completed with information on the shipment, including bill of lading, cargo description, quantities and estimated delivery date.
- Once the form has been signed and stamped by MOFA-Immunities Department, the organisation can submit this form to customs together with the Note Verbale and the below documents:
  - Copy of organisation's agreement/registration with the Libyan Government;
  - 1 x Certificate of Origin (CoO) endorsed and certified by the chamber of commerce in the country of origin;
  - 1 x original of the Commercial Invoice certified by Chamber of Commerce in the country of origin and 2 x copy;
  - 1 x original and 2 x copy of the Bill of Lading (or airwaybill);
  - 1 x delivery orders;
  - 1 x packing list.
- Custom clearance officers can request a certified translation of the documents into Arabic.
- An appointment letter must be issued by the importer (humanitarian organisation) to the customs clearing agent for each individual shipment that is imported into Libya.
- Draft copy of all shipping and tax-exemption documents should be sent and confirmed by the customs clearing agent before shipping.
- Once the cargo has arrived, the customs clearing agent should then be provided with all original documentation to be able to finalise the clearance. Customs declarations and forms including classification of goods as per customs rules will be issued. Payable services fees and/or tax will be evaluated according to valid current exchange rates, and the cargo will be released.
- For humanitarian cargo such as food and health items that need additional testing/sampling once in-country before being released by customs, the shipments can be temporarily released once the customs clearing agent provides all clearance documents to Customs.
- The temporary release process normally takes from 1 to 3 working days, and the cargo can then be moved to the organisation's warehouse, escorted by customs police.
- The warehouse will be closed and sealed until the Food and Drug Control Centre (FDCC) tests the commodities and confirms the compliance of the shipment with Libyan standards. The cargo will then be released.
- The escort by customs officials to warehouses and, in the case of transit cargo, to the border exit post, will be subject to a fee.

Additional requirements apply for specific cargo, namely:

## Health Items

- Organisations should obtain an approval from the Department of Pharmacology, Equipment, and Medical Supplies at the Ministry of Health before shipping medical items. Organisations should only use companies registered and accredited with the aforementioned department.
- The below certificates should be submitted to the Department of Pharmacology, Equipment, and Medical Supplies of the Ministry of Health prior to the arrival of the cargo:
  - Certificate of analysis;
  - FDCC certificate;
  - Packing List;
  - Certificate of Origin;
- For psychotropic medications, a special licence has to be requested from the Ministry of Health.
- In some cases, sampling fees can be waived if the Ministry of Health issues a letter to the FDCC stating that the organisation is exempted from any expenses related to the release.
- The usual processing time to obtain the clearance is around two weeks.

## Food Items

The below table can be followed:

	Cereals	Pulses	Processed Cereals	Processed Pulses	Dairy Products	Blended Food Product	Oils	Sugar/ Salt	Canned food
<b>Non-US Commodities</b>									
Phyto	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Origin	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Crop Year	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Production Year/ BUBD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Non-radiation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Weight/Quality	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Non-GMO	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>US Commodities</b>									
Phyto	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Origin	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Crop Year	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Production Year/ BUBD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Non-radiation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Weight/Quality	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Non-GMO	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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## Procedures for imports through Benghazi

*While lack of clarity persists with regards to import procedures for Benghazi, with some humanitarian organisations following the same procedures as for deliveries to Tripoli or Misrata, and others informing the Benghazi Municipality through Note Verbale with the expected cargo documentation, the below procedures have successfully been followed by humanitarian organisations for import of Health cargo through Benghazi.*

- In Benghazi medicines are not considered as being subjected to VAT (no authorization from MOFA required).
- There are specific challenges with the importation of pharmaceutical items through Benghazi port. In order to be cleared, pharmaceutical goods have to be tested by the Food and Drug Control Centre (FDCC) upon arrival.
- All pharmaceutical samples collected by FDCC's officers are to be tested in the main lab in Tripoli, where all test samples are collected from all over Libya. FDCC Benghazi can clear the drug shipment for the customer, only after receiving the green light form Tripoli.
- Furthermore, the FDCC doesn't have a guaranteed cold-chain storage capacity neither at Benghazi port, nor at the airport. When a new shipment of drugs arrives, it is exceptionally allowed to temporarily skip customs and escorted directly to the consignee's pharmacy, to be put apart and quarantined. It is at this point that FDCC officials take a sample of each drug, which are then sealed by customs officers to be sent to the Lab in Tripoli. It can take up to 6 weeks for the results to return, as the Tripoli lab consolidates samples coming from all the coastal ports. If there are clashes in Tripoli, the process can take longer.
- The below documents should be obtained prior to the vessel's arrival and transmitted to the Clearing Agency (average lead travel time of ships coming from Southern Europe – 21 days):
  - Copy of Customs' Statistical Number Card,
  - Copy of the Request Letter addressed to the FDCC,
  - No Objection Letter given by the FDCC allowing the pre-clearance of the goods,
  - Authorization Letter from MoH – Head of Pharmacy Dept.
  - Authorization Letter from the Ministry of Economy (importation permit),
  - Copies of Certificates of Analysis for each molecule (from the manufacturer),
  - Copies of Certificates of Origin certified by the Libyan Embassy, or nearest consulate of the country of origin (for each molecule),
  - Packing list,
  - Commercial Invoice matching the Packing List content,
  - Draft Bill of Lading,
  - Free Gift Certificate to state the drugs are for humanitarian purposes,
  - Exportation Certificate.
- Libyan Bureau of Customs provides authorisation to receive cargo in Benghazi Port.
- At least two weeks before arrival of the vessel, clearing agent to submit all hard-copies to FDCC, including the final Bill of Lading and Packing List.

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# Libya – Customs and Clearance Procedures

May 2019



- Upon cargo arrival in port the following procedures should be followed:
  - Payment of fees to Customs and FDCC
  - Cargo is released and quarantined at the customer's location
  - FDCC takes samples and sends them to be analysed in Tripoli.
  - Payment of FDCC fees and release of quarantined stock (6 weeks after start of quarantine).

## Recommendations:

- The validity of the drugs must be 2/3 of the shelf life, and not less than 1 year from the date of shipment.
- The shipping of expired medications or about to expire in less than 6 months is not acceptable.
- FDCC recommends to import items from the same batch; this can be time and cost saving as less samples will be collected.
- If a shipment contains different items (medical equipment, medications, consumables, equipments, etc.), it is recommended using separate bill of lading to ensure that items that don't have to be cleared by FDCC can be released in a timely manner.
- To speed up the clearing process, it's best to attach packing list labels on each cargo package.