

Foreign Investors Considerations When Doing Business in *Saudi Arabia*

In Light Of Newly Enacted Saudi Companies Law
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2025



“Our dreams are limitless,
and our ambitions embrace the sky

His Royal Highness
Prince Mohammed bin Salman

— May Allah protect him —



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EXECUTIVE SUMMARY

EYAD REDA

Founding Managing Partner
Lawyer and Legal Consultant



Vision 2030 has been launched under the leadership of the Custodian of the Two Holy Mosques. The full attention of the Kingdom of Saudi Arabia is on utilizing the potential to accomplish our goals.

As His Royal Highness the Crown Prince has stated **“The second pillar of our vision is our determination to become a global investment powerhouse. Our nation holds strong investment capabilities, which we will harness to stimulate our economy and diversify our revenues.”** Reforms were made to the government sector's operating model and as a result of these reforms, the public sector, economy and society are better able to meet future challenges.

We strongly believe in our Leadership and that the Kingdom of Saudi Arabia is a promising economy that offers many unique opportunities to local and foreign businesses.



01

This brief is an overview of all the regulatory aspects of business-related activities in Saudi Arabia.



02

This brief does not constitute legal advice or consultations or recommendations in any form.



04

Eyad Reda Law Firm LLP (“**ERLF**”) has made every attempt to ensure that the information provided is relevant and up to date. However, ERLF is not responsible for the accuracy or reliability of the contents contained in this brief without legal advice. Therefore, ERLF recommends investors to seek advice before making any investments or decisions related to their business activities in Saudi Arabia.



03

ERLF has long experience in the field of corporate law and investments.



05

ERLF is qualified to assist potential investors in conducting businesses in Saudi Arabia through navigating and addressing legal requirements and mitigating foreseeable risks.



ABOUT US

For over 26 years, Eyad Reda Law Firm (“**the Firm**”) has been a trusted legal counsel, delivering comprehensive services across different legal practice areas. As a primary partner, we have been instrumental in driving the success of numerous high-profile businesses and projects for our clients. Our Firm has contributed to realizing its dual-pronged mission of: honing abilities and cultivating expertise

In this summary, we will briefly explore the key drivers of excellence and the indicators of success.

Drivers of Excellence: The Firm strives towards a vision of becoming an exemplary model in the provision of legal services, with quality and efficient working environments at the core, to achieve its mission of enhancing employee and client capabilities in relation to legal knowledge and skills, and fostering expertise through the creation and implementation of widely applicable business models. The Firm is distinguished by three (3) core pillars that have elevated its position as a leading legal services provider:

Specialized global legal knowledge and expertise acquired through our exclusive relationship with the TerraLex network.

Innovative and specialized legal products that ensure the retainment of our clients and their legal compliance and acquisition of knowledge: Moaeim, Amanah, and Taswiah.

Representing more than (168) Saudi companies in partnership, merger and acquisition agreements, assisting and representing the establishment of more than (611) regional and international companies to enter KSA markets, and contributing to the formulation and update of more than 85 laws and legislation and 415 study standards.

Success Indicators: The following success indicators illustrate how the delivery of our services reflects our shared vision of success for both the client and the firm.

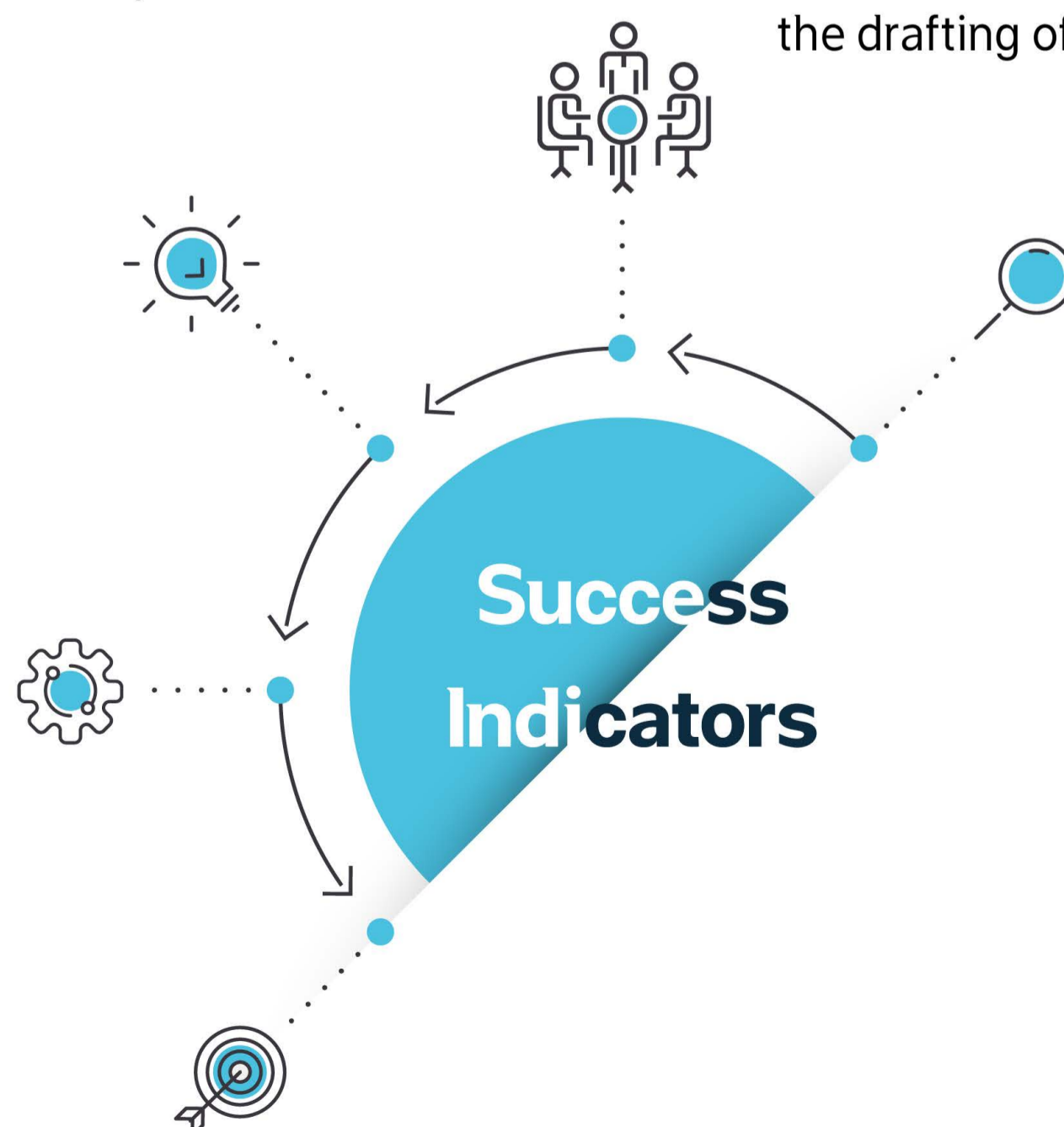
Effective Communication
The swift provision of necessary legal clarifications and documentation between parties effectively and transparently.

Relaying Information/Knowledge
Supporting the client’s legal team by providing legal guidance on the drafting of legal documents.

Full Legal Coverage
Delivering legal services within specified timelines and demonstrating results of impact measurement.

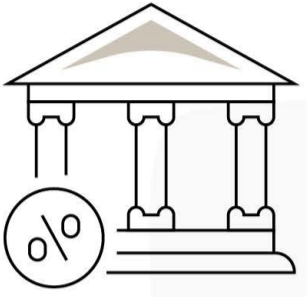
Reference Documents
Delivering comprehensive documents clearly presenting data and findings to guide the client in their future business endeavours.

Model Documents
Providing model documents to build on and reuse in the client’s future business endeavours.





OUR SERVICES



All-Inclusive Legal Products

Providing legal counsel across a diverse range of sectors and areas, including healthcare, logistics, manufacturing, communications and data protection, media, defence, culture, hospitality, entertainment, environment, financial and banking practices, and corporate affairs.

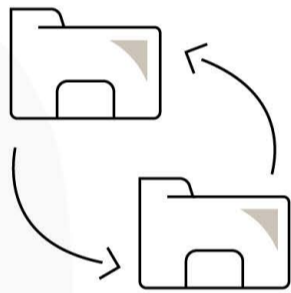
Compliance

Securing investments for clients by helping them meet and understand regulatory obligations for sustainable facilities while avoiding the high costs associated with violating Saudi laws and regulations.



Information Exchange

Sharing legal knowledge with legal and non-legal departments, including human resources and procurement, through interactive workshops on Saudi laws and regulations.



Board Management, Governance and Secretarial Services

Offering comprehensive legal services for board and committee secretariat functions within Saudi Arabian entities.



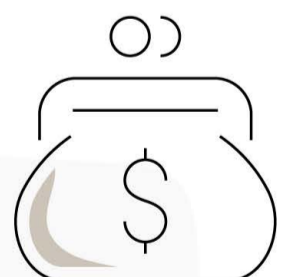
Business and M&A Advisory Services

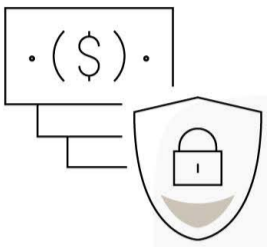
Providing business consulting advisory services to over 41 Saudi companies, conducting analyses of potential opportunities and challenges in collaboration with international firms.



Capital Markets

Representing issuers and subscribers in public equity and debt offerings, overseeing all subscription and listing processes within the Saudi market, and providing comprehensive securities advisory services.





Financial and Banking Practices

Providing comprehensive services in the banking and financial domains to domestic and international institutions. Our expertise spans financial regulations, product development and delivery, cross-border funding transactions, and fund/institution structuring and establishment.

Policy and Bylaws Formulation

Developing internal policies, procedures, and regulations based on a thorough assessment of enterprise goals and requirements.



E-commerce, Intellectual Property, Data Protection.

Delivering a wide range of legal services across e-commerce, intellectual property, privacy, and data protection sectors through specialized practice areas.



Dispute Settlement and Litigation

Resolving complex business disputes strategically by providing solutions that align with specific business objectives, all through a locally and internationally experienced team.



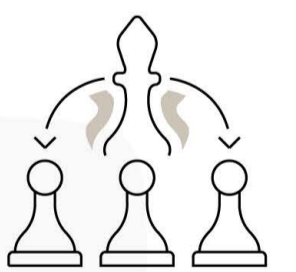
Public-Private Partnerships

Providing consulting services and assistance for both public and private sectors to optimize successful contracting and enhance access to necessary services across Saudi Arabia.



Family Business Affairs and Governance

Navigating family business transitions with tailored legal approaches to ensure good governance and sustainability.



Starting a Business in Saudi Arabia Corporate Practice

To start a business in Saudi Arabia, it is essential to understand the different legal requirements and factors of each type of entity. Each company has different requirements and tax implications. For instance, foreign investors who wish to start a business in Saudi Arabia are required to obtain a foreign investment license as a pre-requirement to invest.



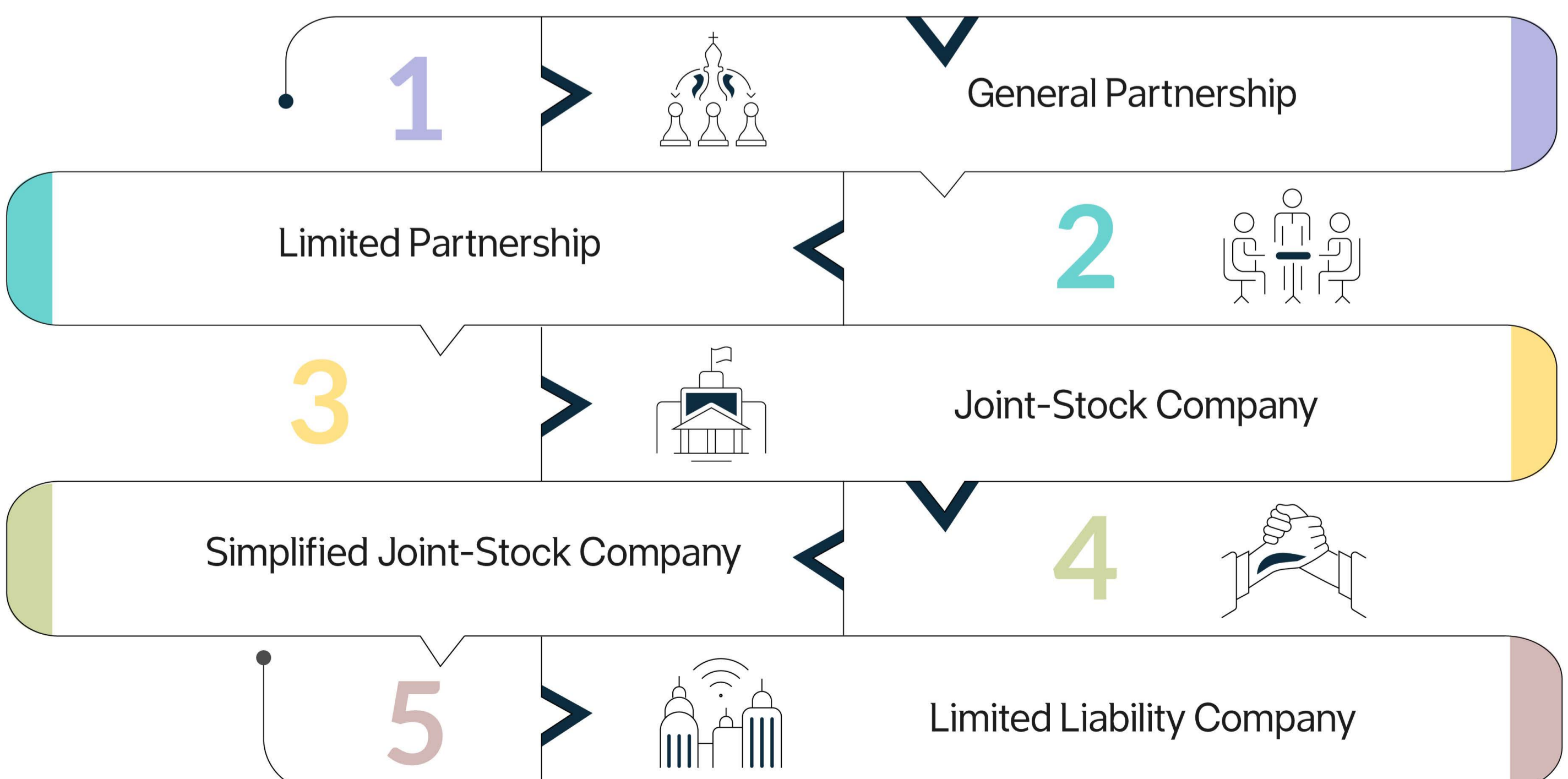
The Regulatory Framework and Companies Forms

Saudi Companies Law provides the regulatory framework and governance of all business entities and its related activities in Saudi Arabia. This section presents different laws related to forming new companies in the Kingdom of Saudi Arabia and the regulatory framework of each business type, including foreign business entities and investments.

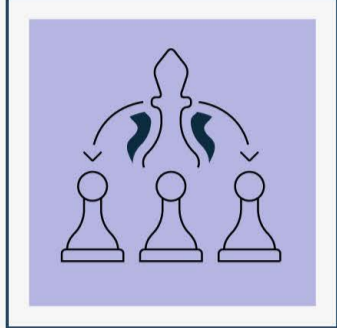


Companies Formation Under Saudi Companies Law

Saudi Companies Law provides the regulatory framework and governance of all business entities and its related activities in Saudi Arabia. This section presents different laws related to forming new companies in the Kingdom of Saudi Arabia and the regulatory framework of each business type, including foreign business entities and investments.

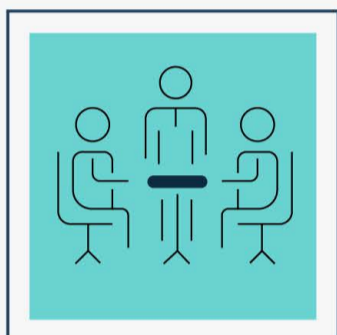


1 > General Partnership



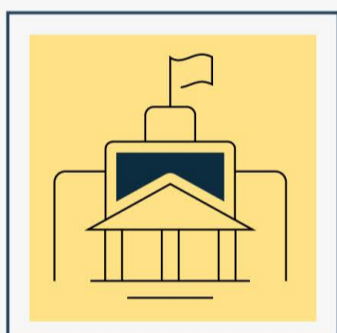
A general partnership is a company incorporated by two or more (natural or legal) persons who are jointly and personally liable for the company's debts and liabilities.

2 > Limited Partnership



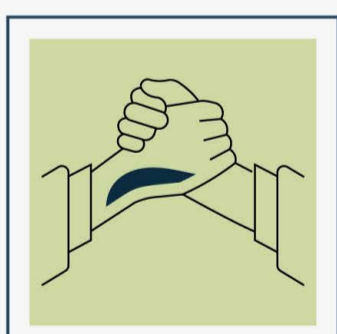
A limited partnership is a company that consists of two groups of partners, a group that includes at least one (natural or legal) partner who shall be jointly and personally liable for the company's debts and liabilities, and a group that includes at least one limited (natural or legal) partner who shall not be liable for the company's debts and liabilities except to the extent of his interests in the company's capital.

3 > Joint-Stock Company



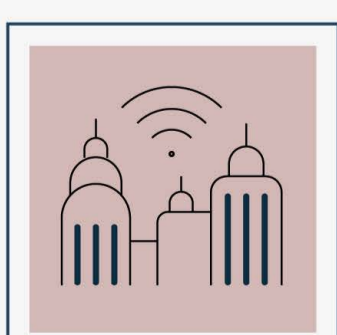
A joint-stock company is a company incorporated by at least one (natural or legal) person and its capital is divided into tradable shares. The company shall be solely liable for the debts and liabilities arising from its activities, whereas the liability of the shareholders is limited to paying the value of the subscribed shares.

4 > Simplified Joint-Stock Company



A simplified joint-stock company is not defined by the Companies Law; however, its characteristics are specified. It is similar to the Joint-Stock Company with less restrictions, such as waiving the minimum capital requirement and reducing requirements related to the management of the company.

5 > Limited Liability Company



A limited liability company is a company incorporated by at least one (natural or legal) person. The company shall be solely liable for its incurred debts and liabilities as well as any debts and liabilities arising from its activities, whereas the liability of the company's owner and partners is limited in proportion to their interests in the capital.



FOREIGN INVESTMENT

In general, foreigners may have 100% ownership of locally established businesses in Saudi Arabia. According to Foreign Investment Law, foreign companies who wish to invest in Saudi Arabia are subject to special rules and requirements. One of such requirements is obtaining a foreign investment license and any related license with respect to the nature of the business. Once the foreign investment license is obtained and all other requirements have been met, the foreign corporation may carry its business in Saudi Arabia. Moreover, it is essential to note that foreign investors are prohibited from conducting certain business activities that fall within the Negative List, which is discussed below:

The Negative List

Some businesses are limited to Saudi owned companies only. The negative list provides the list of business activities that are generally not open to foreign investments. However, the continuing development of the Kingdom's regulatory framework in alignment with Vision 2030 may subject the negative list to change. Examples of the Negative List activities are:

01



Oil exploration, drilling and production

02



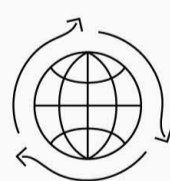
Tourist orientation and guidance services related to Hajj

03



Catering to military sectors

04



Security services

05



Fisheries

It is generally permitted for companies to be 100% foreign-owned given their business activities are not among those on the Negative List. However, the Ministry of Investment sometimes mandates a minimum rate of Saudi ownership based on the business type.



Legal Entities Forms

Foreign corporations conducting business in Saudi Arabia should consider different types of business structures depending on the company's circumstances. Below are the most common forms of business structures for foreign investors.



Branch Office

Foreign companies who wish to operate in Saudi Arabia on behalf of a parent company can establish a branch office to run their business. A branch office is an extension of a foreign company that does not constitute a separate legal entity in Saudi Arabia. Moreover, each branch has its own rules and requirements depending on the type of business undertaken.



Temporary Licenses

Foreign companies can obtain temporary licenses to conduct specific activities in Saudi Arabia in relation to governmental or semi-governmental contracts. Such licenses are provided only for a limited period of time and for a specific type of activity, as such, no other business activities may be undertaken.



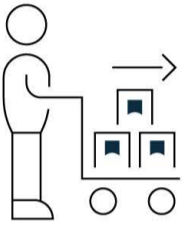
Scientific and Technical Office

Foreign companies that have a Saudi agent distributing the company's products in Saudi Arabia may establish a scientific and technical services office. The scientific and technical services office is prohibited from conducting any commercial activities or investments in Saudi Arabia directly or indirectly. However, the office may conduct research studies and provide the parent company with activity reports. An annual summary of the office's activities must be submitted to the Ministry of Investment.



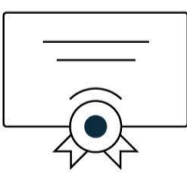
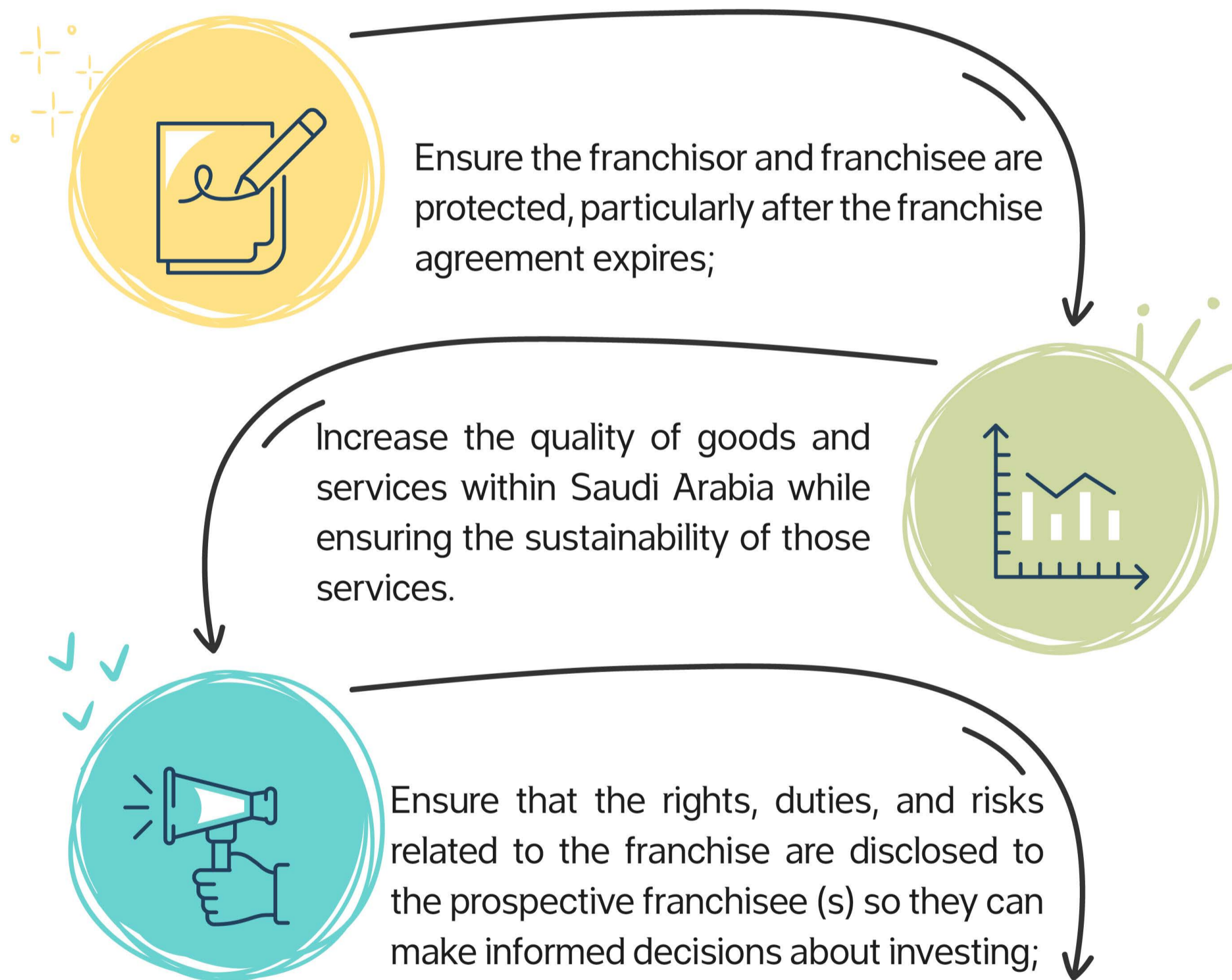
Professional Services Company

Foreign companies may establish a professional service activities company to conduct professional activities business in Saudi Arabia. Moreover, a Professional Services Activities company requires a Saudi partner with a share not less than 25%.



Franchise

The new Franchise Law was enacted under the Royal Decree No. M/22, October 8, 2019. The aim of the law is to promote franchise activities in Saudi Arabia by establishing a legal framework that regulates the relationship between franchisors and franchisees. Among its other aims are:



Commercial Agencies

Commercial agents are intermediaries who are contracted with companies or who represent them in their countries of origin in order to conduct business deals on their behalf with other businesses and are compensated in return with commissions, profits, or other forms of payment. A foreign person, whether natural or legal, may not operate as a commercial agent in the Kingdom of Saudi Arabia. Saudi companies operating as commercial agents must have a 100% Saudi capital, and all authorized signatories and members of the board of directors must be Saudi.



DIGITALIZATION ERA

After the COVID-19 pandemic, the Saudi economy witnessed a rise in the number of government-owned online portals. These portals were designed to facilitate tedious governmental procedures for citizens and legal entities alike. For example, through the Saudi Business Center (“SBC”), Laws, Regulations and Registration Procedures are all highly accessible, with some being translated. Discussed further below:



المركز السعودي للأعمال
Saudi Business Center

Saudi Business Center (“SBC”)

SBC is a relatively new platform. It acts as a one-stop shop for all government services that a new business would need to start operating within the Kingdom. Such services could be:

- ☒ Company Establishment
- ☒ Financial Statements
- ☒ Commercial Registration
- ☒ Commercial Name reservation.

LABOUR RELATED PORTALS



QIWA

QIWA (Subsidiary of Ministry of Human Resources and Social Development)

QIWA is designed to provide services and assistance for all matters related to the labor market.

- ☒ Issues instant work visas for non-Saudi employees.
- ☒ Issues work permits for non-Saudi employees.
- ☒ Allows the registered establishment to manage and terminate employee contracts.



MUDAD (Payroll and Compliance System) (subsidiary of Ministry of Labor)

MUDAD is a payroll management system (WPS).

- Tracks payroll violations
- Tracks the company's compliance percentage.
- Authenticates employment contracts.



General Organization for Social Insurance ("GOSI")

Concerned with all Social Insurance matters and services.

- Allows users to manage and request certificates online.
- Saudization plan and certificate available.
- Allows users to manage all social-insurance-related activities.



Zakat, Tax and Customs Authority (ZATCA)

ZATCA is the Saudi tax collection authority. It is also responsible for the organization and management of all customs' and ports' operations.

- Zakat registration through the portal
- Issues immediate Zakat registration certificates
- Zakat payments paid through the portal
- Corporation income tax paid through the portal



SPL (Saudi Post)

- The Saudi Post oversees and provides postal and shipping services.
- Office addresses within the Kingdom are registered through the SPL portal.
- Offers P.O Boxes



National address

National Address is issued by SPL and is registered under the rented offices spaces.



EJAR (Rental Service E-Network)

- Regulates the real estate rental sector in Saudi Arabia
- Preserves the rights of all parties involved in the leasing process
- All rent payments must be initiated and processed through the the Ejar platform (as stated by
- the Real Estate General Authority [**REGA**])



NAJIZ Portal

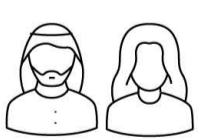
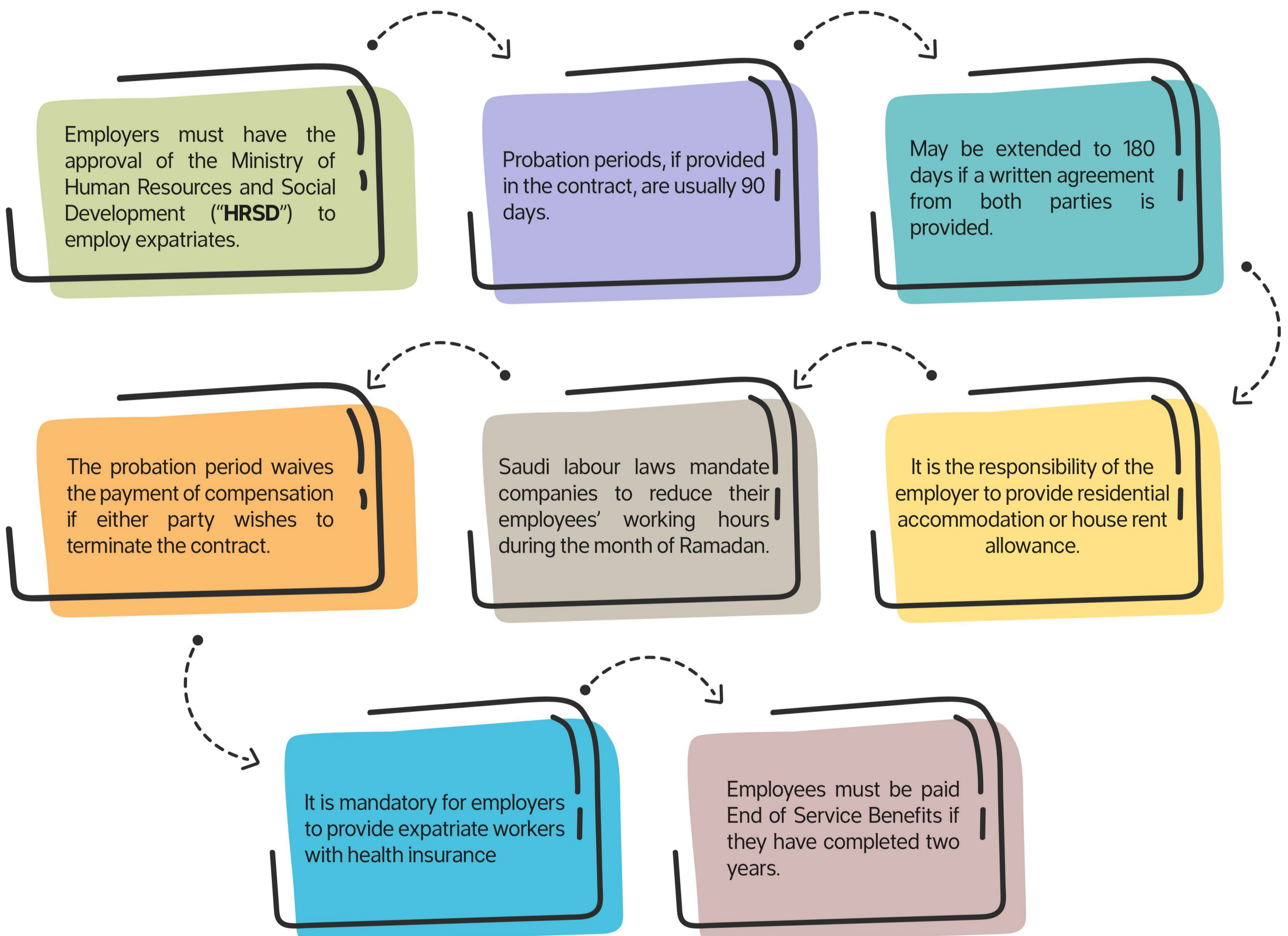
This portal is activated by the Ministry of Justice, and through this portal all legal related matters could be concluded such as issuing of power of attorney, reviewing the status of the cases and execution related to the company, and other matters.

EMPLOYMENT CONSIDERATION

Saudi Arabian Labour Laws have recently undergone strict reformations (Resolution No. 51848/1442) to ensure the wellbeing and fair treatment of all employees within the Kingdom. The reforms focus mostly on job mobility – migrant workers will have an easier time searching for, changing, and leaving their jobs



Labour Laws



Saudization

Saudization is a policy that requires companies to employ a certain number of Saudi nationals. Each company must comply with a percentage of Saudi employees set by the Ministry Human Resources and Social Development. Not complying with Saudization requirements may result in government fines.



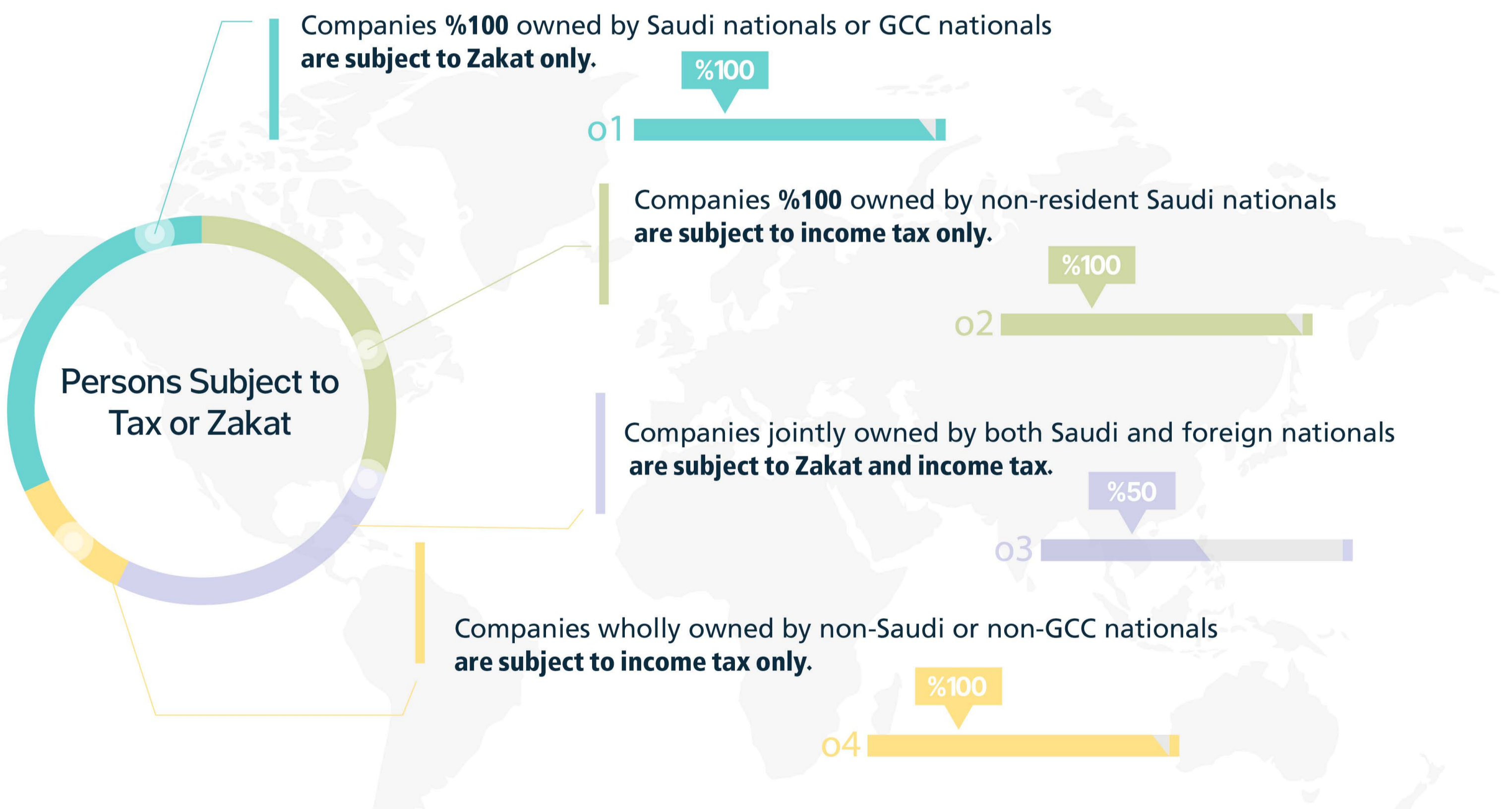
TAXATION

Tax reforms are part of the Saudi 2030 Vision and the economic development in Saudi Arabia. Recently, Saudi Arabia introduced the value-added tax (VAT) and real estate transaction tax (RETT). There is no individual income tax regime in Saudi Arabia; however, income tax or Zakat is imposed on registered corporations.



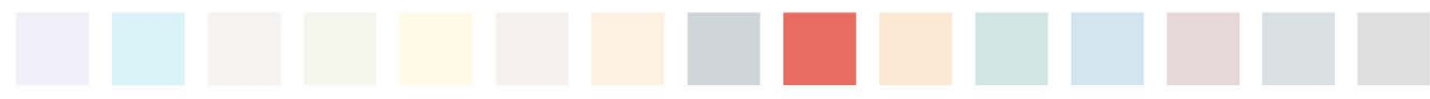
Persons Subject to Tax

Corporations in Saudi Arabia should register with Zakat, Tax and Customs Authority. Further, companies are subject to different taxation system (income tax or Zakat) depending on the company's owner's nationality, **discussed as follows:**



Generally, corporations owned by Saudi nationals are subject to Zakat, which is 2.5%. On the other hand, corporations conducting businesses in Saudi Arabia owned by non-Saudi nationals are generally subject to 20% income tax rate. Other income tax percentages are applicable depending on the activity and amount of investments.

Kindly be informed that law firms in Saudi Arabia are not allowed to advise on tax related issues. Law firms provide tax advice in relation to litigation purposes only.



INTELLECTUAL PROPERTY AND COPYRIGHT LAW

As part of its efforts to better manage Intellectual Property rights, the Saudi government has established the Saudi Authority for Intellectual Property (SAIP), which oversees intellectual property operations, intellectual property provision, and development and enforcement of intellectual property rights in Saudi Arabia.

The Saudi Copyright Law protects all types of intellectual property following global practices. Literary, scientific, and artistic works are protected, whether such works are created individually or jointly. The Copyright Law grants the author **the following rights:**



CORPORATE GOVERNANCE

All companies operating within Saudi Arabia must adhere to strict corporate governance regulations. The way a company must be governed varies based on the form a company chooses to take, i.e., limited liability companies (LLC), joint stock companies, limited partnerships (LLP), etc... Foreign companies may also establish subsidiaries or branch offices, each form having slightly disparate corporate governance laws.



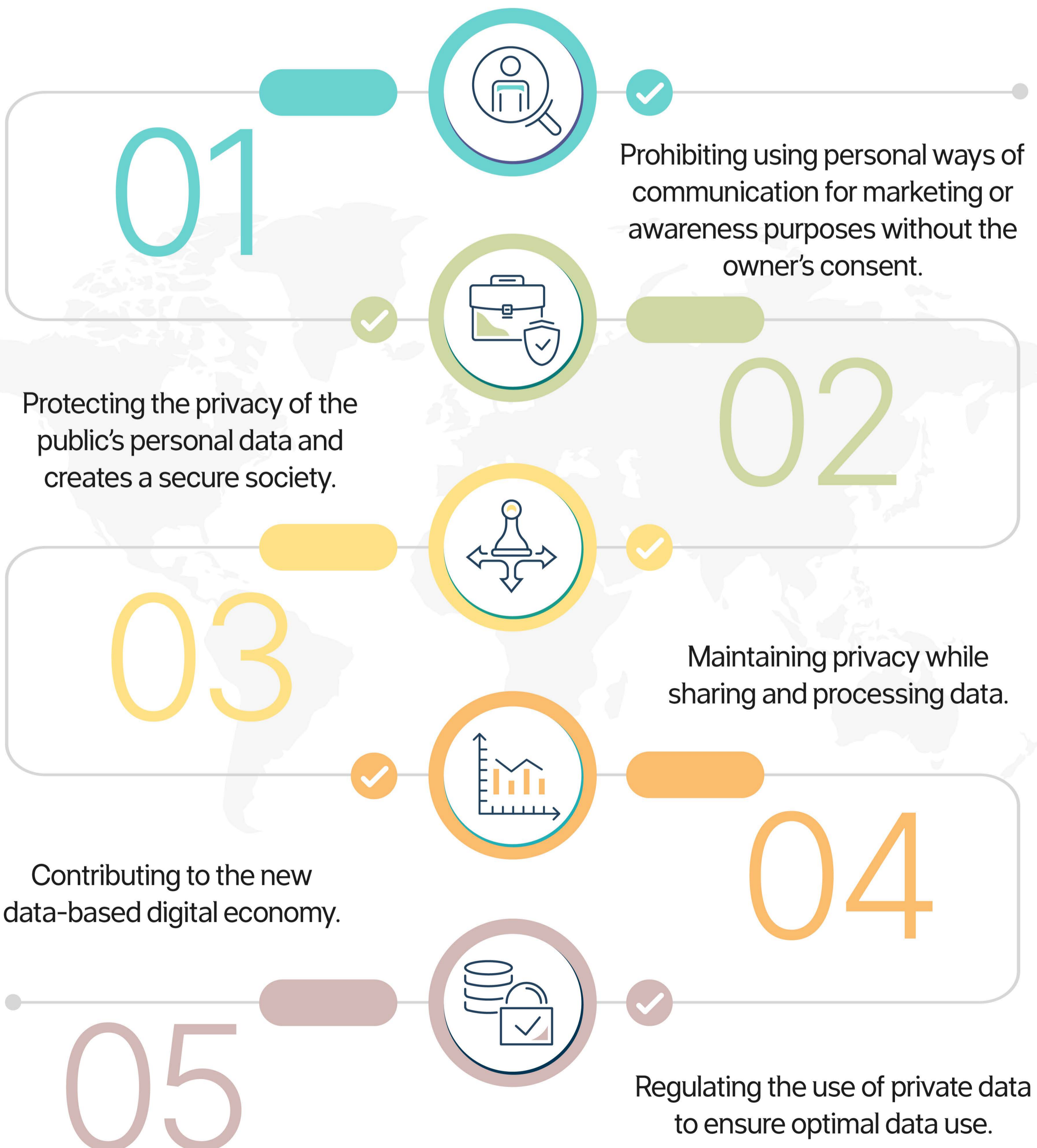
REAL ESTATE LAW

Foreign companies are allowed to own real estate for business operations, i.e., housing for employees of the company. The acquired real estate must be used exclusively for the conduction of a company's stipulated business activities and may not be used for other business ventures or activities.

DATA PROTECTION

In general, the recently enacted Data Protection Law aims to protect the processed and collected personal data of individuals in Saudi Arabia. This includes personal data of deceased individuals if such information leads to such individuals or their families.

In addition to the protection of personal data, the Law regulates communication between different entities and prevents the misuse of private data. The Data Protection Law ensures the implementation of the following:





ANTI-CONCEALMENT LAW

The Anti-Concealment Law prohibits non-licensed foreigners from practicing economic activities in Saudi Arabia by any means, including allowing a foreigner to have unrestricted authority over the entity and/or using a bank account other than the company's account for economic activity transactions.



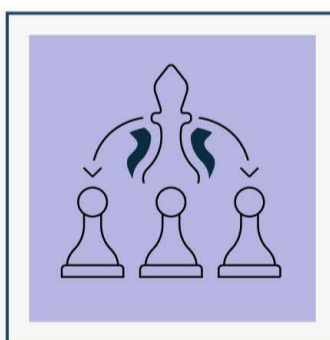
DISPUTE RESOLUTION

There are different means of dispute resolution in Saudi Arabia that generally consist of courts, specialized tribunals, and arbitration. As a general rule, disputes arising from any commercial transaction are subject to the Commercial Court jurisdiction. However, specific disputes such as the ones involving insurance, banking, or capital markets are subject to specialized judicial tribunals. In addition to the commercial court and the specialized judicial tribunals, arbitration and mediation are common methods of alternative dispute resolution in Saudi Arabia.



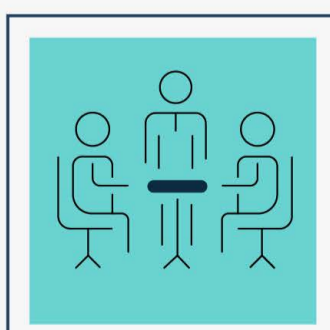
General Court System

1 > Supreme Court



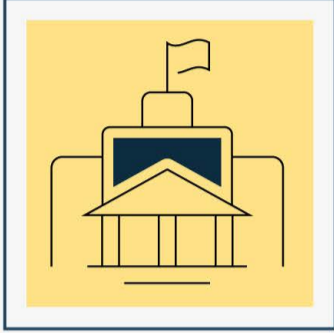
The Supreme Court is the highest of the judiciary to receive a complaint against the court that rendered the contested decision and is not a party to the litigation class. Its primary role is to review "**Hadd**" cases and to review decisions in terms of proper application, interpretation, and interpretation of Islamic Sharia provisions. The Supreme Court does not assess facts or evaluate evidence in its trials.

2 > Courts of Appeals



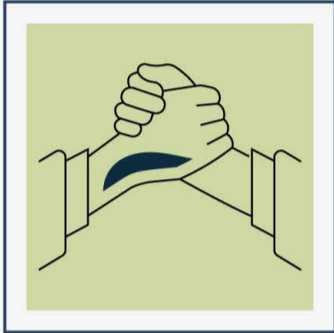
The Courts of Appeal shall hear judgments handed down by the courts of first instance, after hearing the statements of the adversaries, in accordance with the Shari'ah Procedure Law and Law of Criminal Procedure.

3 > Courts of First Instance



The rules of jurisdiction between the courts of first instance are adopted based on the type of case, i.e., the nature of the dispute, whether commercial, personal, urgent, etc..., regardless of the value of the case. Moreover, the relevant court specializes in the disputes that occur in its circuit.

4 > Commercial Court



In 2020, the new Commercial Courts Law was enacted under Royal Decree No. M/93, dated 15/08/1441H (17 April 2020) and came into effect on 16 June, 2020. The law governs all disputes that fall within the commercial court's jurisdiction, such as business conflicts, commercial contracts, and any dispute that arises as a violation of the Saudi Companies Law, Bankruptcy Law, Intellectual Property Law, or any other business related laws.

5 > Enforcement Courts



Enforcement Courts have jurisdiction over execution disputes regardless of their value. The courts are organized into specialized circuits, with one or more judges on each circuit. They also have the power of compulsory enforcement and supervision over execution disputes.

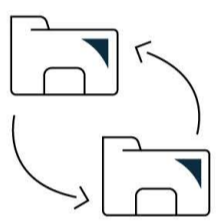
Enforcement Courts are specialized in enforcing **the following**:

- ☒ Judgments, decisions and orders issued by the courts.
- ☒ The arbitrators' provisions attached to the execution order according to the Arbitration Law.
- ☒ Reconciliation records issued by the authorities authorized to do so.
- ☒ Negotiable instrument
- ☒ Notarized contracts and documents
- ☒ Judgments, court judgment, decisions of arbitrators, and authenticated instruments in a foreign country
- ☒ Ordinary instruments whose content is fully or partially recognized.
- ☒ Contracts and other instruments that have executive titles under the Law.



Small Debtors' Protective Settlement

The Labor Courts, established pursuant to Royal Decree No. 20712, dated 29 Rabi' Al Thani, 1439H (16 January 2018), took effect in the Kingdom on 20 Safar, 1440H (29 October 2018) to hear Saudi and Foreign workers' disputes, fostering a safe and supportive work environment in alignment with Vision 2030. Labor Courts are branches of the Courts of First Instance, specialized in dealing with various labor disputes and spread throughout Saudi Arabia's provinces. According to the Ministry of Justice, there are 7 working courts, 27 labor services, and nine appeal chambers in six appeal courts to review judgments handed down by the first-instance labor courts.



Alternative Dispute Resolution

Arbitration and the Saudi Center for Commercial Arbitration:

The use of Arbitration is developing in Saudi Arabia. In 1993, Saudi Arabia ratified the 1958 Convention for the Recognition and Enforcement of Foreign Arbitral Awards (the "New York Convention/ Convention") under Royal Decree No. (M/11), dated 16/07/1414H (30 December, 1993). The New York Convention is the convention for the recognition and enforcement of foreign arbitral awards, done in New York, 10 June, 1958.

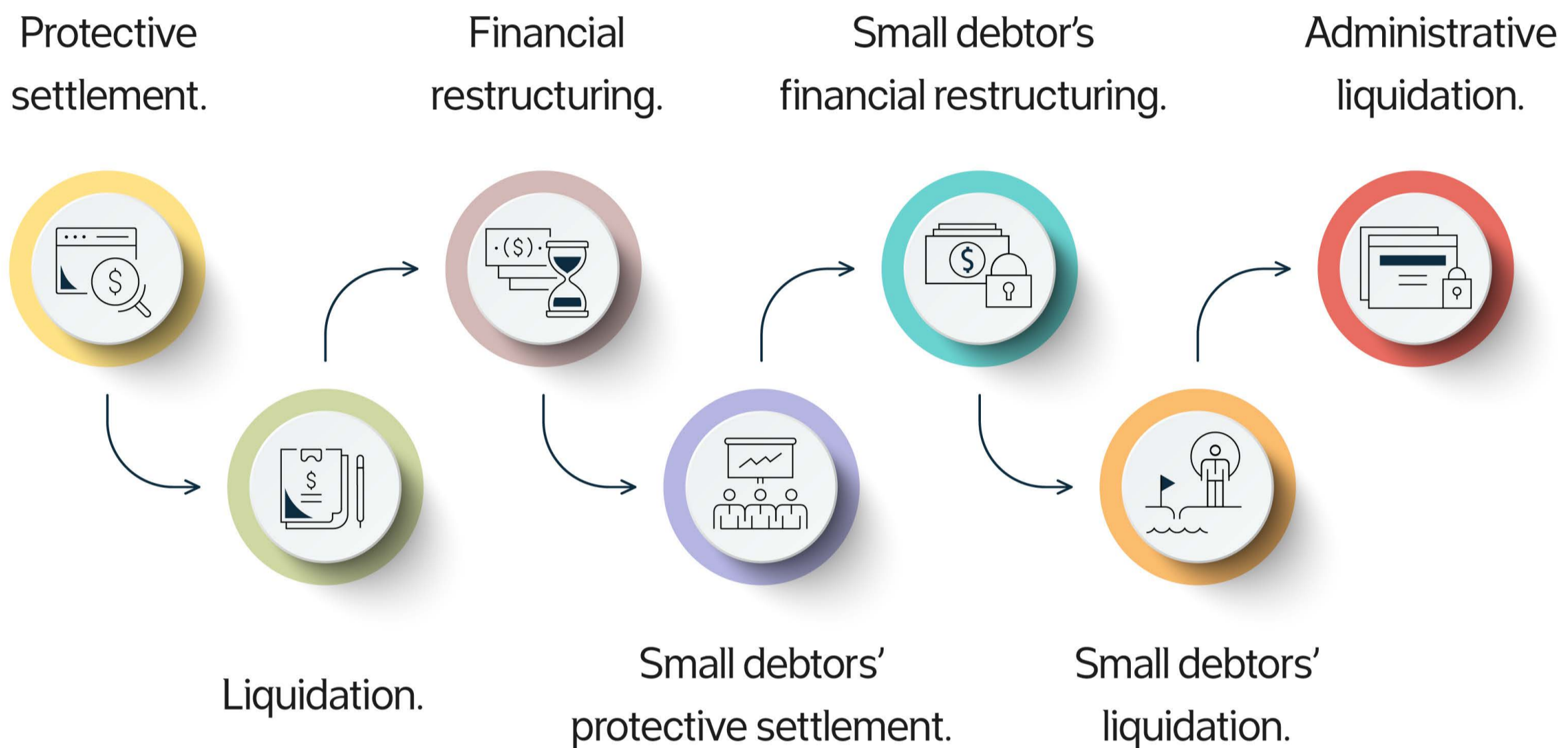
Arbitration is a form of alternative dispute resolution. Rather than filing a lawsuit, the parties can choose arbitration to opt for a private dispute resolution procedure instead of taking it to court. The Saudi Center for Commercial Arbitration ("**SCCA**") Rules are built on the internationally recognized UNCITRAL Arbitration Rules to provide parties with a straightforward, concise, and efficient dispute resolution procedure. Moreover, in conformance with the needs of modern international trade practices, SCCA Rules adopt the best practices of leading arbitral institutions, including AAA-ICDR.

The SCCA Rules have been drafted in accordance with the current Saudi Arbitration Law, which is also based on the UNCITRAL Arbitration Rules. According to SCCA Arbitration Rules, arbitration offers a formal procedure leading to a binding decision from a neutral arbitral tribunal. That decision may be enforced under other arbitration law or foreign convention, such as the 1958 New York Convention. SCCA Rules establish a transparent, efficient, and fair mechanism for ensuring transparency in arbitrations, as do many of the world's top arbitral institutions. SCCA Rules are arranged in a progressive manner from the date of filing to the date of issuance of the final arbitral award. These rules reflect a few of the most critical developments in institutional arbitration rules, such as the availability of emergency arbitration procedures for cases requiring immediate resolution.



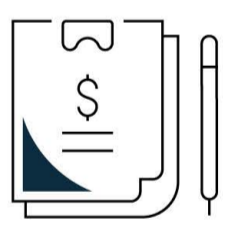
BANKRUPTCY LAW

The Saudi Bankruptcy Law came into effect in 2018. The aim of the Saudi Bankruptcy Law is to regulate **the following**:



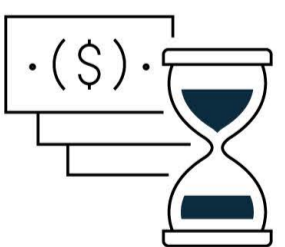
Protective Settlement Procedure

A process that facilitates the settlement of debts between the debtor and its creditors, while preserving a debtor's right to manage his/her own activities.



Financial Restructuring Procedure

Financial restructuring falls under the supervision of the financial restructuring officeholder, providing a way for the debtor and its creditors to reach an agreement regarding the restructuring of their debts.



Liquidation Procedure

Liquidation under the management of the liquidator, dealing with items such as settling creditors' claims, selling bankruptcy assets, and distributing the sale proceeds to creditors.



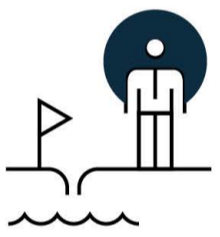
Small Debtors' Protective Settlement

A general partnership is a company incorporated by two or more (natural or legal) persons who are jointly and personally liable for the company's debts and liabilities.



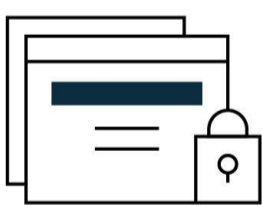
Small Debtors' Financial Restructuring Procedure

A small debtors' financial restructuring procedure aims to facilitate reaching an agreement between the small debtor and its creditors in order to restructure its activity within a reasonable time frame, through simple, low-cost and efficient proceedings under the supervision of the officeholder.



Small Debtors' Liquidation

It aims to sell the assets and distribute its proceeds on creditors within a reasonable time frame, using simple, low-cost, and efficient procedures under the supervision of the officeholder.



Administrative Liquidation

In an administrative liquidation procedure, the aim is selling assets that are not expected to generate sufficient proceeds to cover liquidation expenses or small debtors' liquidation expenses.

The Bankruptcy Law applies to natural persons and companies engaging in commercial and professional activities, and foreign investors holding assets in Saudi Arabia.

Moreover, bankruptcy procedures aim to assist bankrupt debtors in restructuring their financial positions and enable them to resume their business, protect creditor's rights, maximize the value of bankruptcy assets, and ensure fair distribution of sale proceeds among creditors upon liquidation, decrease the procedures' costs and duration, and conduct administrative liquidation of a debtor's assets that do not cover the costs of the liquidation.





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