

Briefing

The New Qatari Investment and Trade Court: a change in doing business in Qatar

7 December 2021



In a significant decision with positive implications for the State of Qatar, HH the Emir Sheikh Tamim bin Hamad Al-Thani issued law no. 21 of 2021 establishing the Investment and Commerce Court (the “**New Court**”). The new law will come into force on **4 May 2022**, to mark further steps taken by the State of Qatar to enhance its economic and business standing, and demonstrate the State’s eagerness to continue to develop the legislative climate in the field of trade and business.

What will the jurisdiction of the New Court cover?

The New Court will adjudicate commercial and investment matters. Its jurisdiction covers a wide array of commercial disputes, being those relating to:

- commercial contracts, commercial agency and disputes between merchants
- disputes between partners and shareholders, including listed public shareholding companies
- the investment of non-Qatari capital
- commercial assets, marine sales, bank transactions, commercial instruments, insurance and investment companies
- bankruptcy and preventive composition, intellectual property rights and e-commerce transactions
- competition law and PPP contracts

What are the key features of the law?

The law consists of 35 articles covering the formation of the New Court and its primary and appellate circuits. It provides for an accelerated procedural pace and efficient decision-making. The law further sets out shorter periods for appeals than those set out in applicable procedural laws. Appeals need to be filed within 15 days from the date of the judgment’s announcement, and within 7 days for urgent matters. Appeals in cassation are allowed within 30 days from the judgment’s announcement.

Another important feature that the law establishes is the electronic system, whereby all actions related to the proceedings, from filing until the issuance of the judgment, will be carried out electronically. The digitalisation of the Court’s mechanisms signifies Qatar’s continued drive to adapt to the world’s present circumstances and provide increased flexibility and efficiency to businesses.

The New Court will facilitate the appointment of a party-nominated expert in circumstances where that nomination is made at the commencement or during the course of the proceedings. Whether the New Court will be complying with such nomination or appointing an expert directly, it will no longer be bound by experts enrolled before the court. This will permit the parties to opt for trained, certified professionals capable of addressing complicated financial concepts intersected with finance and business law.

Why is this important?

This law evidences Qatar’s strategy to modernise its judiciary and improve performance by creating a specialised judicial system that deals effectively with complex commercial matters. The New Court, alongside arbitration and investment mediation institutions, represents one further reason for national and foreign investors to continue investments in the State’s fast-expanding economy.

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