

# WIRTSCHAFTS FORUM NAH- UND MITTELOST®

No. 6 - November / December 2010  
C 46321

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## State Visit of the Emir of Qatar to Germany

by Alina Mambrey



H.H. Sheikh Hamad bin Khalifa Al Thani, Emir of the State of Qatar

**H.H. Sheikh Hamad bin Khalifa Al Thani**, Emir of the State of Qatar, together with his wife **H.H. Sheikha Mozah bint Nasser Al Missned**, recently paid a state visit to Germany from 27<sup>th</sup> to 30<sup>th</sup> September 2010. They were accompanied by an official delegation of high-ranking representatives of Qatari politics, economy and science. Throughout the entire visit, the friendly and cooperative ties in all areas, as well as the depth of the dynamic and bilateral relations between the two countries were demonstrated.

On the first day, H.H. the Emir Sheikh Hamad bin Khalifa Al Thani and H.H. Sheikha Mozah bint Nasser Al Missned met with **H.E. Dr. Angela Merkel**, Chancellor of the Federal Republic of Germany, and discussed the cooperation in various fields, in addition to a number of international political issues of mutual concern. She hailed the great importance that Qatar attaches to education and scientific research while welcoming the development of joint cooperation in areas like renewable energy and modern technology. During their talks, political issues, especially

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# Conference on Legal Conditions for Business Activity in the Near and Middle East

by Agnes Schier



Participants of the Conference in Frankfurt Main

On 24<sup>th</sup> September 2010, NUMOV once again organised the conference on legal conditions for business activity in the Near and Middle East. The conference took place at the BHF-Bank in Frankfurt Main and provided concentrated juridical information by high-level legal consultants for German companies involved in business activities in the Near and Middle East. In addition to the lecturers of the conference, 80 German company representatives participated in the conference to gather information and establish contacts with legal consultants and specialists in Islamic law.

**Beate Bischoff**, Member of the Executive Committee Financial Markets & Corporates at BHF-Bank, welcomed the participants as host of the conference and emphasized on the bank's tradition of business activities in the MENA region, as well as the advantage of knowledge and experience concerning particular legal conditions in the Near and Middle East, especially the gulf region.



Beate Bischoff, Head of Financial Markets & Corporates at BHF-Bank

**Prof. Dr. jur. Dr. phil. Peter Scholz**, Vice-President of the local court in Tiergarten, Berlin, honorary professor at the Freie Universität Berlin for Islamic law and international private law and Member of the Board of Trustees at the German Orient Institute, moderated the conference. He opened the course of lectures by giving an introduction on the

legal systems of the Near and Middle East, stressing on the complex fusion of codified European law and traditional Islamic law under the influence and in the service of authoritarian regimes.

**Christoph Keimer**, legal consultant at Schlüter Graf & Partner in Dubai, informed the participants about corporate law conditions in the gulf region. He laid emphasis on corporate and investment regulations and its characteristics, such as substitutions of corporate law for partly non-existent foreign investment laws, where upon he cautioned against administrative practices altering juridical applications on a regular basis and strongly recommended native national service agents and agreements on protection of investment.

Subsequently, **Tobias Müller-Deku**, managing partner at Freshfields Bruckhaus Deringer LLP in Riyadh, shared his knowledge of economic free zones in the Middle East region. Focussing on the UAE, he highlighted positive experiences, such as competent administration authorities and interesting alternatives to regional law in the flourishing free zones in one of the biggest economies in the gulf region. However, considering restrictions for foreigners to retail on the local market, as well as the inexperienced exclusive rights of free zones, the dubious validity of guarantees for continuance and many free zones not working to full capacity, he stressed on the importance of an experienced, trustworthy national service agent. **Dr. Thomas Wülfing**, specialist solicitor for mercantile, company and tax law at Wülfing-Zeuner-Rechel

GbR, introduced the tax law and the latest double taxation treatment of the UAE from July 2010. Thus, important innovations mean to avoid double taxation and tax evasion, by using the tax credit method exclusively and set enhanced conditions on agreements as well as the application of individual preferential treatments in favour of residences of the UAE with the purpose to secure the German national tax revenue. Nonetheless, the transition to the credit method leaves the double taxation agreement's security idle, so that taxation by third countries seems rather conceivable.

Adding to his predecessors, **Karsten Keilhack**, specialist solicitor for commercial and corporate law at HTM Meyer Venn & Partner, lectured on typical problems, risks and prejudices of business activities in the MENA region concerning law governing commercial agents and authorized dealers. Concentrating on the statutory basis of Iran, Saudi Arabia and the UAE, he presented an exemplary checklist on international commercial agents' contracts. Thus, arbitration agreements are recommended in Iran and Saudi Arabia, while unfeasible in the UAE. Consequently, the attractive, promising market holds risks and country-specific divergences, which can be avoided by effective and efficient contract management and the eligibility of a national service agent.

Following, **Dr. Phillip von Randow**, legal representative of Latham & Watkins in Doha and Head of the Middle East Finance Department, amplified the programme by introducing real estate

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## Air Berlin: New Direct Flights Berlin - Dubai

Germany's airline Air Berlin will start flying non-stop from Berlin Tegel



(TXL) to Dubai, United Arab Emirates. The first flight will be on 3<sup>rd</sup> November 2010. Flights from Dubai to Berlin include possibilities for connecting flights to

Düsseldorf, Frankfurt or Munich in Germany, as well as to Gothenburg, Graz, Helsinki, Palma de Mallorca, Salzburg, Stockholm, Oslo, Vienna and Zurich.

### Dates and times :

Wednesday	Berlin TXL – Dubai DXB	Dep. 21:25 – Arr. 06:15 (+1)
Friday	Berlin TXL – Dubai DXB	Dep. 21:25 – Arr. 06:15 (+1)
Sunday	Berlin TXL – Dubai DXB	Dep. 18:45 – Arr. 03:35 (+1)

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law in the UAE. He opened his lecture by forewarning tightened regulations due to restructuring and restricted lending standards of the banks, limited experiences in jurisdiction and almost impossible access to securities without legal proceedings, because the law on security is determined by the UAE Commercial Code and the UAE Civil Code, and the Dubai International Financial Center (DIFC) has its own laws regarding the taking of security. He strongly advised to adapt implicit financing terms of the contracts and not to count on the business partner's eligibility for serving as a credit support. In November 2008, a new law came into force to regulate mortgages over property, which states that a mortgage will not be valid unless it is registered with the Land Department in the Real Estate Register. After a question and answer session, which was used by many participants to discuss the double taxation treatment of the UAE and its practical experiences, **Dr. Kilian Bälz**, legal consultant at Amereller Rechts-anwälte, informed the participants about supply contracts in the Near and Middle East and gave tips on contractual arrangements with Arabic partners. He especially emphasized on the frequent application of mandatory legal regulations of the local law concerning, for example, hidden defects, caps and decennales, and other contractual challenges regarding securities of payment, conflict settlements, liabilities of risks, restrictions on exports and sanctions.

Afterwards, **Georg Pietsch**, President of the Department of Export Control in the Federal Office of Economics (BAFA),

represented the tasks, responsibilities, instruments and legal conditions of the BAFA-institute regarding transactions in foreign trade. His speech on instructions and procedures of export control concerning goods in need of authorization, primarily focussed on procedures of legal conditions, such as the requirements, processes and criteria for decisions regarding export regulations in Germany, considering the Near and Middle East region. Adding to this, Beate Bischoff, Member of the Executive Committee Financial Markets & Corporates at BHF-Bank, held a speech on the good prerequisites of protection of export risks in the Near and Middle East. Hence, in embargoed countries, such as Iraq, Lebanon and Libya, banks and export credit insurances offer a variety of hedging instruments, mostly documentary credits, forfeiting (meaning the purchase of the supplier's credit claims) and credits covered by private or state credit insurance such as Euler-Hermes. Sudan, Yemen and Syria, on the other hand, hamper the protection by controlling imports and exports directly, especially Iran. Whereas the gulf region established Hermes-covered financing successfully within the last few years, since the wealth of the economy is sited privately instead of in the companies.

**Dr. Bettina Linder**, Legal Consultant at Thümmel, Schütze & Partner, reported on commercial legal protection in the MENA region, stating territorial claims of



*f.l.t.r.: Dr. Bettina Linder, Legal Consultant at Thümmel, Schütze & Partner; Prof. Dr. jur. Dr. phil. Peter Scholz, Vice-President of the Local Court in Tiergarten, Berlin, Honorary Professor at the Freie Universität Berlin for Islamic Law and International Private Law and Member of the Board of Trustees at the German Orient Institute; Dr. Andreas Junius, Attorney at Law at P+P Pöllath + Partners*

validity of property rights, which deem extensions necessary, and the blocking of export markets for registered brands as the main challenges. Hence, the lecturer proposed the well-designed solution of international protection agreements, such as the International Commercial Legal Protection (PVÜ), the Revised Bernese Agreement (RBÜ), the activities of the World Intellectual Property Organisation and the International Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). In this context, trademark protection is possible on the basis of a national and a community trademark, which offers a bundle of protection rights. Completing the course of lectures, **Dr. Andreas Junius**, Attorney at Law at P+P Pöllath + Partners, outlined the main issues of contractual arrangements in the Near and Middle East, referring to conflicts in interests of codified European law and religious regulations, just as he mentioned the challenge of linguistic particularities appearing in the progress of translation and divergences in matters of internal hierarchies and decision-making processes.