



NEWSLETTER

Saudi Arabia News

July 2023

A Civil Transactions Law to Foster Surety, Transparency & Clarity

The Civil Transactions Law was issued by Royal Decree No M/191 dated 29/11/1444H. and was published on 05/12/1444H. corresponding to 23/06/2023G. in the Official Gazette (the “Law”).

His Royal Highness Prince Mohammed bin Salman pointed out that the Law was drafted in a manner that reflects the latest legal trends and the best international judicial practices in light of Sharia principles and in line with the Kingdom’s international obligations.

The Law is built upon the following fundamentals: (i) the protection of property, (ii) the validity and enforceability of contracts, (iii) the identification of sources of rights and obligations and their effects, and (iv) the clarity of legal positions.

The Law is expected to positively contribute to regulating economic arrangements, increase the attractiveness of the business environment, ensure the stability of financial rights, reduce the number of disputes, and enhance transparency. The Law will enter into force on December 20, 2023G. one hundred and eighty days following its publication in the Official Gazette.





Updates to the Personal Data Protection Law

A first draft of the Personal Data Protection Law (the “PDPL”) was approved by Royal Decree No (M/19) dated 09/02/1443H. and was initially set to come into force in March 2022G. Based on the Saudi Data and Artificial Intelligence Authority’s request, the date of entry into force of the PDPL was postponed until March 17, 2023G.

The PDPL did not enter into force at the determined date, and major amendments were introduced to the initially published draft by virtue of Royal Decree No (M/148) dated 05/09/1444H. demonstrating the Kingdom’s commitment to drive growth in the digital economy sector through the creation of supportive legislative environment aligned with international best practices.

The amendments mainly intended to ease data controllers’ obligations and limitations and the rules and controls governing cross-border data transfer.

The PDPL will enter into force in September 2023, and data controllers are granted a one-year grace period to comply with its provisions.





New Rules for the Review of Bidders and Contractors' Grievances

The Minister of Finance approved by Resolution No 1225 dated 25/10/1444H. the Work Rules of the Committee for Review of Bidders and Contractors' Grievances and the Requests to Revise "Amended" Prices (the "Rules").

These Rules aim to enhance the Committee's performance and effectiveness in carrying out its tasks. They also determine the responsibilities, duties, competencies, and tasks assigned to the Committee and its members.

The Rules grant the Committee the right, in light of the Government Tender and Procurement Law (the "GTPL"), to:

1. Consider bidders' grievances against the award decision or any decision or action taken by the government entity prior to the award decision;
2. Examine the grievances of the contractors against the performance evaluation decisions; and
3. Examine requests for price adjustments in accordance with the provisions of Article 68 of the GTPL.





New Rules for the Review of Bidders and Contractors' Violations

The Minister of Finance approved by Resolution No 1226 dated 25/10/1444H. the Work Rules of the Committee for Review of Bidders and Contractors' Violations of the Government Tender and Procurement Law (the "GTPL") and the "amended" concluded agreements (the "Rules").

These Rules aim to enhance the Committee's performance and effectiveness in carrying out its tasks. They also determine the responsibilities, duties, competencies, and tasks assigned to the Committee and its members.

The Rules grant the Committee the right, in light of the GTPL, to:

1. Consider bidders' and contractors' violations of the provisions of the GTPL and the concluded contracts;
2. Review the necessity to ban dealing with the contractor if it repeatedly scores a level of performance of less than 70% for three consecutive contracts; and
3. Execute the powers provided for under the GTPL and related regulations.

