

Questions & Answers for LCRP Partners:
Recent Demonstrations and Municipal Restrictions against Syrian Refugees
Labour Competition and Businesses

Introduction and background

This document has been developed by the inter-agency coordination unit and more particularly by the social stability, livelihoods and protection sectors to provide facts and information to frontline actors and field partners on possible instances of inter-community tensions related to refugees' access to livelihoods. Since the beginning of 2017, there have been several incidents of protests by host community members against the labour competition caused by refugees, and more particularly by refugees owning shops. While there have been similar incidents in previous years, the issue seems to have reached a new scale this year with over 34 municipalities affected since the beginning of the year, throughout Lebanon. The scale and focus of these protests as well as the reactions and measures subsequently taken (or not) by affected municipalities have varied, as have the accuracy of information circulating within the host community on refugees' access to livelihoods. This Q&A aims to provide basic facts on the applicable legal framework (part I), and procedures for partners to follow/use if facing such events (part II).

I- Applicable Legal Framework

1. What decision has MoL issued that many protests refer to?

Recent labour protests generally refer directly or indirectly to decision 1-41 issued by the Ministry of Labour on 31 January 2017. The decision is related to '*businesses, occupation and crafts, and jobs that must be limited to Lebanese only*'. The decision lists professions that shall be confined solely to Lebanese citizens (article 2), and then stipulates exemptions in article 3 for Palestinians (born in Lebanon), Syrians (in the field of agriculture, environment, and construction) as well as other possible exemptions. An unofficial translation of the decision is attached as annex 2.

2. Is this decision new?

Yes and no. It is a new decision but the Minister of Labour re-issues such a decision every year. The decision 1/41 from January 2017 is almost identical in its content to the decision 218/1 on the same topic issued in December 2015. In particular the exemptions for Syrians are the same. One difference is that the subsequent decision 1/49 which specifies the procedures of issuance and renewal of work permits for foreign workers introduced a ratio of 'one Foreigner versus ten Lebanese workers, except for the institutions that conduct cleaning work which could exceed this ratio up to one Lebanese versus 10 foreign workers, and the institutions that conduct construction work and equivalent, whereby the ratio will be one Lebanese versus one foreigner.'

What has changed this year is that the Minister of Labour has given more publicity, notably through a visit to North Lebanon in January 2017, to the new decision. In addition to his visit to Tripoli, the Minister assigned labour inspectors to inspect shops in Tripoli on 8 January, and subsequently urged the North Governor to close the illegal shop identified. See question 5 for more details on this.

3. Can Syrian refugees work?

Today, Syrians are allowed to work, under certain conditions, contrary to what has been said during several of the protests mentioned above, where some host community members or municipal officials have been reported as stating that refugees cannot work. Between early 2015 and mid-2016, GSO offices required Syrian refugees renewing legal residency on the basis of UNHCR registration to sign a notarized pledge not to work. However, this was replaced in 2016 by a general pledge to abide by Lebanese laws.¹

As Lebanon is not a party to either the 1951 Convention or the 1967 Protocol relating to the Status of Refugees, the government does generally not differentiate between Syrian nationals based on their registration status. Therefore the above mentioned decision 1/41 applies to all Syrians in Lebanon. It is important to underline that the three sectors mentioned in the decision are the only sectors in which there are particular exemptions for Syrians from regular provisions of the Labour Law (as these are sectors traditionally dependent on Syrian labour), which means that Syrians working in these sectors, except for the occupations within these sectors reserved to Lebanese, would theoretically still need work permits from the Ministry of Labour. Conditions and access to work permits are comparatively easier for Syrians in these sectors, in particular the required fees are lower than for other nationalities.²

More specifically, the status of foreign employers and employees is regulated by the Decree no. 17561 of 18 October 1964 and its amendments. According to its Article 2, foreigners such as Syrians wishing to work in Lebanon, are required under the Lebanese Labor Law to have a work permit issued by the Ministry of Labor. The work permit can be issued or renewed up to a maximum of three years. Applications for work permits are accepted from Syrians who fulfill the various documentary requirements³ including a valid residency permit. Compared to other nationalities, Syrians are exempted from a deposit of 1,500,000 LBP with the Housing Bank and can apply for work permits after they have entered the country.

Notwithstanding the above, Syrians have, in practice, traditionally worked informally in Lebanon, with only a very small proportion (a couple of thousands including renewals) applying for and obtaining work permits.⁴ Consequently, most Syrians work informally without social protection. Syrian nationals employed without a work permit are at risk of being fined or detained.⁵

Syrians can possibly work in other sectors as well, like other foreigners, provided that they respect provisions mentioned in the decision 41/1, i.e. for *“expert or technical expert whose job may not be filled by a Lebanese as long as this is proven through a statement issued by the National Employment Office, after the person requesting the foreigner presents evidence that he/she failed to find a Lebanese for this position after 3 months of searching.”* This also means that they should respect Decree 17561 issued on 18/9/1964 on foreign laborers in Lebanon.

¹ Syrians can also renew their residency under the sponsorship system which is commonly linked to employment. Sponsorship does not remove the requirement for a work permit, but often exposes refugees and their families to exploitation, especially as Syrians who renewed residency through sponsorship cannot revert back to residency based on UNHCR registration.

² While Syrians might be comparatively better off in terms of fees than other nationalities, it is still a quite costly (a few hundred USD or more) and cumbersome process for Syrian refugees to obtain a work permit, and documentary requirements include a statement from the Syrian Embassy regarding accuracy of Syrian documents (see footnote 1 below). Also, there are regular reports of irregular fees being demanded from Syrians in addition to fees established by the law. A recent ILO figure put the number of Syrians with work permit in Lebanon at 2,000 only which somewhat reflects the limited practical access for Syrian refugees.

³ The requirements for a Syrian to obtain a work permit are: Employment contract certified by public notary stipulating salary, period of employment, type of work, all in line with Lebanese law; Copy of exit permit issued at the Syrian borders while exiting Syria; Copy of entry card issued by GSO while entering Lebanon; Certificate from the Syrian Embassy confirming the authenticity of the documents provided by the applicant; Copy of ID or passport; 2 photos; Medical laboratory results showing the individual does not have Tuberculosis, Malaria, Syphilis, Aids, or Hepatitis B; Proof of completion of military service; Insurance policy; Commercial License & Commercial Registry; Copy of ID of Company Owner; Employment registry record ; and National Security Social Fund registry record.

⁴ Please see: http://www.labor.gov.lb/layouts/MOL_Application/StatList.aspx.

⁵ Article 14 of the Decree 17561/1964 regulating the work of foreigners and Article 107 of the Lebanese Labor Law

4. Can Syrians/refugees own a shop?

Syrians and foreigners in general may own shops, as long as they obtain a work permit. They may also be partners in a company with some restrictions in certain sectors.⁶ Certain types of companies, Joint Stock Companies also referred to as SAL, require that all members of board of directors must be shareholders and the majority of board members should be of Lebanese nationality.⁷ See annex 3 for a summary of type of business structure and restrictions on foreign operations.

While Syrians can be employers, there are restrictions on the type of businesses they can operate. The decision 1/41 outlines the limitation to professions as employers. Moreover, any established company should be registered in the commercial registry and should provide a declaration of its establishment to the Ministry of Labour with names of employees and employer. In addition the employer and employees should be registered in the NSSF, which requires a work permit. Yet, in practice the commercial registry is not requesting from foreigners a proof of work permit to register their enterprise.⁸

Syrians can also be employed by and run a shop owned by a Lebanese, but would need to obtain a work permit (pursuant to Decree 17561/1964 regulating the work of foreigners). Such a work permit would be granted outside of the three permitted sectors, if in line with the exception provided in the decision 41/1, which stipulates that the job to be filled requires a specific technical expertise not readily available among Lebanese nationals. It should be noted that decision 41/1 specifies that the occupations of manager, store keeper and trade professions, hairdressing and barber amongst others as well as any profession or job which proves to compete with Lebanese employers are confined to Lebanese.

Syrian refugees who work are still very vulnerable under existing labour legislations as foreigners employed without a work residency permit can be subjected to one month to three years' imprisonment, to a minimum fine of LBP 250,000 and LBP 2,500,000, and to expulsion from Lebanon.⁹

5. What kind of regulations/fees can municipalities issue for businesses and Syrian workers?

The Municipal Act broadly defines the areas of municipal authority without formally distributing responsibilities between the central and local governments. In other words, municipalities are given broad authority to perform certain functions without, however, being formally responsible for fulfilling those functions. The areas of municipal authority include, but are not limited to, administration, finance, health, engineering, social services, the economy, education, and the arts. The head of the municipality has broad authority to issue local orders (art. 74 of the municipal act), in particular relating to public safety and security such as measures to prevent disturbances to public safety and security.

In addition, municipalities do not have specific powers on regulating businesses besides health and safety regulations and taxes. Lebanese municipalities are currently authorized to assess and collect 36 different taxes and fees. Municipal financial statements and budgets show that around 85% of all direct municipal receipts come from the rental value fee and construction permits. The rental fees for non-residential property (shops) are supposed to be 7% of the rental value and no less than 50,000LL. Municipalities can also levy fees on 'public gatherings' which can apply to bars, clubs, cafés, restaurants, bakeries and sweets shops. The municipal council is in charge of setting the rate of taxes (Municipal Act art. 49), to be approved by the Kaemakam (Head of district

⁶ The public sector, media, commercial representation, real estate and other specially regulated industries

⁷ Law 70/1 issued in 1970, MOL Decision 2/42 issued in 1970, MOL Decision 465/1 issued in 1997.

⁸ It should be noted that the commercial registry is an official registry that is supervised by the court. Companies, partnerships, enterprises, and related contracts must all be registered in this registry. The registration of ownership with the commercial registry establishes the right of ownership and has a declarative effect to any other third party. Accordingly, the ownership of a company by a foreigner is not legally affected or contested by the fact of not having a work permit.

⁹ Article 32 of Entry and Exit Law 10 July 1962, this applies to "Any foreigner who enters into the Lebanese territory without abiding by the provisions of article 6 of this Law." Article 6 relates to entry into Lebanon and specifies that "foreigner wishing to enter into Lebanon to exercise an occupation or perform a work shall obtain the Ministry of Labour and Social Affairs prior approval, unless he is an artist."

- Art.60). In addition, it should be underlined that ‘seizing the taxpayers’ good who abstain from taxes’ is one of the few municipal decisions that are not subject to control from higher levels.

However, Municipal decisions to close shops based on these provisions seem to be an excessive interpretations of the above mentioned provisions. For instance, in March 2017 Kfareman and Bwar Municipalities based their decisions of closing certain shops on the Labor Law, Articles 74 and 48¹⁰ of the Municipality act, and decision 41/1. The entity mandated to monitor businesses would be the Ministry of Labour through its labour inspector as detailed in Article 108 of the Lebanese Labor Law.

The procedure to follow for a municipality to take action in the field of labour regulations would be an inspection of businesses by the MoL inspectors, a report of their illegal situation, followed by a request by the Minister of Labour to the Governor of the area (Article 2 of the Decree 3273/2000 on labor inspection). This procedure was used by the Minister of Labor on 18 January 2017 who, through an administrative decision, requested the Governor of Tripoli to close down several shops in the North based on non-compliance with the labor rules and regulations including the lack of work permits for those who were found to be working. However, it should be noted that closure of shops is only envisaged in cases of violations of health and safety regulations or lack of technical licenses but not for breaches of work permits for foreigners or labour business regulations. Penalties do apply in such cases. Finally, any shop closure decision must be preceded by warning and fines, and can be challenged at the state consultative court.

6. What legal remedies are available to Syrian workers whose shop is being closed?

Administrative decisions can be challenged before the State Consultative Council in its capacity as a higher administrative court. Syrians may turn to legal actors and the Bar Association, which has a pro bono program, to seek legal assistance and representation to challenge municipalities’ decisions on the grounds of lack of due process.¹¹

In addition, Syrian employees dismissed despite a valid work permit may file a complaint before the Ministry of Labor’s Arbitration Board, which considers disputes arising from dismissal, dereliction of work, fines and all disputes between employers and workers resulting from the enforcement of provisions of the Labor law. In case of municipal actions against businesses/shops, these actions can only be challenged at the state consultative court (Conseil d’Etat). Given the complexity of the legal framework, partners are advised to carefully research the matter before they advise or proceed with legal action.

¹⁰ Article 48 states that “The rules promulgated by the Municipal Council regarding the issues falling within its competence shall be compulsory within the municipal area.”

¹¹ Depending on the case, the damaged party may resort to the Judge of urgent matters in order to stop the decision or any other clear infringement in this regard. It should be noted that the pro bono programme through the Bar Association is only open to Syrians with valid legal residency.

II- Current demonstrations, municipal measures and procedures to follow by partners.

7. How many such demonstrations have happened so far?

It is difficult to know precisely since not all demonstrations or municipal decisions to close shops are reported in the media or through partners but at least 50 locations have witnessed such events. What is important is that this affected all governorates of Lebanon and municipalities with all types of sectarian or political affiliations.

8. What should partners do/who should they contact if a demonstration against refugees-owned shops in their area of intervention unfolds or if a municipality takes measures against Syrian shops?

In case partners are informed of such a demonstration it is important to pass on the information to the inter-agency & social stability co-chairs of the respective area (see annex 1). Important information to pass on include:

- Details on the demonstration: where & when, but also who & how many people participated (if it took place already)
- Any messages/information being circulated around the demonstration and any claims/requests made by the protesters
- The reaction/position of the municipality if known
- Position of the host community: is there general support of the protest or is the host community divided? Have there been counter-protests?
- Reaction by the refugees if known, as well as their residency status.
- Background information especially socio-economic or political background of the protesters, actual pressure on the labor market (in which sectors) and the number of shops owned by Syrians, etc...

In some regions, the social stability sector established WhatsApp groups to share this information in real time. In any case, it is important for partners to be careful not to further fuel the situation and in particular to avoid directly intervening or contacting municipalities before contacting the co-chairs.

9. Who should intervene and what solutions should be proposed?

The reaction of response partners might aggravate the situation if not well coordinated. If several partners reach out separately to the same municipality/community, this will not only raise expectations in that community of substantial assistance being provided, but also potentially encourage replication in neighboring municipalities. Considering that:

- most of these protests seem to stem from the publicity given to the Ministry of Labour's decision rather than sudden degradation of livelihoods conditions in the affected areas;
- most of these protests or reaction from the authorities are directly requesting more assistance for the host community from response partners;
- the support requested is often related to municipal support or livelihoods, which are two of the most underfunded intervention areas of the LCRP.

It is paramount that any outreach to authorities is done jointly between one/several of the sector co-chairs and partners working in the area to show a united front and also give a full overview of ongoing interventions and support. The Governors also have an important role to play to defuse possible tensions and establish dialogue with municipalities. In most cases, the co-chairs would actually go first to the governor rather than outreaching directly to municipalities, and some governors have already requested partners to go through their office in such cases.

There are four broad types of actions that partners may consider taking jointly:

- Offer technical support and legal advice in terms of regulatory power and enforcement of the capacity.
- Advocacy (potentially at high level) from both government and UN partners to defuse tensions and prevent excessive measures or reactions from local authorities and communities.
- Plan additional stabilization interventions (support to municipalities, community support projects, livelihoods interventions) in the area to alleviate pressure on resources or lack of livelihoods opportunities, while managing expectations.
- Avoid intervening directly and keep monitoring the situation closely.

It is important to emphasize that planning more support is only one of several options in such cases, and should as much as possible be a last resort. If provided shortly after a protest, this will most likely encourage other municipalities to do the same.

10. Where can partners find information on the support that was already provided to municipalities?

It is important for partners to keep in mind and to emphasize to local counterparts and officials that a lot of support has already been provided to the most affected municipalities to alleviate the impact of the crisis. While local officials might deny/play down these interventions, partners can easily access basic information on support provided to municipalities since 2014 through [the map and table of support provided by the social stability sector to municipalities](#). For more information on type of projects already implemented or ongoing, partners should contact the social stability coordinators – see table below.

11. What other factors should partners take into consideration?

One key feature of the protests that have taken place so far is the fact that they reveal deep divisions within the host community, which crystallize around the refugees' presence and international assistance but actually reveal different types of Lebanese-Lebanese tensions, namely:

- Socio-economic tensions between segments of the host community who benefit and/or depend on the refugees' presence, i.e. Lebanese benefitting from Syrian labour, sponsoring their businesses, renting land/shelter, etc... and those who do not benefit directly from the refugees' presence but are affected by the pressure on resources and/or had difficulties accessing employment even pre-crisis.
- Political tensions between political parties, municipal leadership vs. opposition, who instrumentalize the local refugee population and international assistance for their own political gains.

To make sure that these different aspects are taken into account and that international assistance is not being politicized, it is therefore key to follow the above mentioned coordination procedure to gather all the relevant information. Finally, partners may also want to point out to local authorities some basic facts on the actual impact of refugees on the labour market (for more details see the Lebanon Crisis Response Plan 2017):

- There were several hundred thousand Syrian workers in Lebanon pre-crisis, particularly seasonal and temporary workers in construction and agriculture.
- 80% of refugees are women and children, very few of working age women refugees work.
- The current estimate of the Syrian labour force in Lebanon is around 384,000 people, out of which only 153,600 are employed.¹² Most of them work on a temporary basis and primarily in temporary jobs in traditional sectors dependent on Syrian labour such as agriculture and construction.

For more information on Syrian refugees' livelihoods, partners can consult the [dashboard](#) produced in 2016 based on household visit data, as well at the dashboard on [increasing vulnerability among refugees](#).

¹² ILO, Quantitative Framework for Access to Work by Syrian Refugees in Lebanon – draft to be published.

Annex 1: Contact details – Inter-Agency and Social Stability co-chairs

National	Bekaa	BML	North	South
<p>Inter-Agency:</p> <ul style="list-style-type: none"> MOSA: Mario Abou Zeid mario.abouzeid@gmail.com UNHCR: Sander Van Niekerk niekerk@unhcr.org UNDP: Bastien Revel Bastien.revel@undp.org 	<p>Inter-Agency:</p> <ul style="list-style-type: none"> MOSA: Hussein Salem husein.salemm@hotmail.com UNHCR: Josep Zapater zapater@unhcr.org UNDP: Garabed Haroutunian garo.haroutunian@undp.org 	<p>Inter-Agency:</p> <ul style="list-style-type: none"> MOSA: Haytham Sayyad hytham-sayyad@hotmail.com UNHCR: Laura Almira almiral@unhcr.org UNDP: Abdallah Muhieddine abdallah.muhieddine@undp.org 	<p>Inter-Agency:</p> <ul style="list-style-type: none"> MOSA: Khaled Osman khaled_kobm@hotmail.com UNHCR: Ita Schuette schuette@unhcr.org UNDP: Alain Chatry alain.chatry@undp.org 	<p>Inter-Agency:</p> <ul style="list-style-type: none"> MOSA: Haytham Sayed hytham-sayyad@hotmail.com UNHCR: Marcel Van Maastrigt maastrig@unhcr.org UNDP: Hussein Nasrallah husein.nasrallah@undp.org
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Annex 2:

UNOFFICIAL TRANSLATION

Decision number 1/41

31/1/2017

Related to businesses, occupations and crafts, and jobs that must be limited to Lebanese only

The Minister of Labour

Based on the decree number 3, dated 18/12/2016 (the formation of the Government)

Based on the law issued on 10/07/1962, relevant to the entry to and exit of Lebanon

Based on the decree number 17561, date 18/9/1964 and its amendments, in particular Art 8 and 9 (regulating the work of foreigners)

Based on the requirements of the public interest and the principle of reciprocity

Based on the suggestions of the General Director

The following is decided upon:

Article 1: Decision nb 1/218 dated 19/12/2015 is revoked

Article 2:

Article 2: The right to practice the following business, professions, crafts and jobs shall be confined solely to Lebanese citizens:

A- For employees:

All types of administrative, banking, insurance and educational businesses and in particular the following business, occupations, jobs and crafts:

Chairperson/president – Dean – Manager - Deputy Manager – Chief of staff – Treasurer – Accountant – Secretary – Clerk – Documentation Officer – Archive officer – Computer – Commercial Representative – Marketing Representative – Supervisor – Storekeeper – Merchant/sales person – Jeweller – Tailor – textile repair and restoration – Electrical installations – Mechanics and Maintenance – Painter – Glasswork/glass installation– Janitor – Guard – Driver – Waiter – Barber – Electronics – Oriental Chef – Technical professions in the field of construction and its derivatives, such as flooring, tiling, plastering, gypsum boards, aluminum, iron, wood and decoration, and equivalent – Teaching elementary, middle and secondary cycles with the exception of teaching foreign languages when necessary – Various engineering works of all specializations – Smithery and upholstery – Nursing - All types of pharmaceutical, medical stores/warehouses and medical laboratory professions – Measuring and land survey – Makeup and beauty centers – Fishing and, in general, all business, jobs, professions and crafts and teaching works for which Lebanese candidates are available.

B- For employers

All types of trade professions – money exchange – Finance and accounting – Mediation – Insurance –All types of engineering professions – Jewellery - Printing, publishing and distribution – Dressmaking and clothing repair – Hairdressing/barber – Ironing, pressing and laundry - car repairs (smithery, painting, mechanics, glazing, upholstery and electricity) – Self-employment/free professions (engineering, medicine, pharmaceutical industry, law, etc.) and other organized professions by law are prohibited for non-Lebanese, as well as any profession or job which proves to compete or harm any Lebanese employers.

Article 3: Taking into account the principle of preference for Lebanese to work on Lebanese territory and equivalent rules:

1. Palestinians born on the Lebanese territory, who are officially registered within the Lebanese Ministry of Interior and Municipalities registry, are not subjected/are exempted to the provisions of Article 2, except with regards to free professions (self-employment) and other organized professions by law legally prohibited for non-Lebanese.
2. Syrian workers are not subjected/are exempted to the provisions of Article 2 for fields/work related to agriculture, environment and construction sectors.
3. The Minister of Labour may exclude some foreigners from the provisions of this Decision if they meet any of the conditions set out in Article 8 of Decree No. 17561, dated on 18/09/1964, as per following:
 - Expert or Technical expert whose job may not be filled by a Lebanese as long as this is proven through a statement issued by the National Employment Office, after the person requesting the foreigner presents evidence that he/she failed to find a Lebanese for this position after 3 months of searching.
 - Manager or representative of a foreign company registered in Lebanon.
 - Residing in Lebanon since birth.
 - From Lebanese origin or born to a Lebanese mother.
 - The State/country of origin of the foreigner allows Lebanese to exercise the same job or profession that the foreigner is recruited for/request to occupy in Lebanon.

Article 4: The Decision shall be disseminated and notified as required.

To be notified to:

- Presidency of the Council of Ministers
- Council of civil service
- Central inspection
- Administrative office
- Labour force department
- Official gazette
- Announcement boards
- Archive

**Minister of Labour,
Mohamad Kebbara**

Annex 3: Type of business structure and restrictions on foreign operations¹³

TYPE OF COMPANY	MINIMUM CAPITAL REQUIREMENT	NUMBER OF SHAREHOLDERS	APPLICABLE SECTORS	RESTRICTIONS ON FOREIGN PARTICIPATION
JOINT STOCK Company S.A.L	LBP 30 million or USD 20,000	Minimum: 3	All sectors	NO except for certain sectors
HOLDING Company	LBP 30 million or USD 20,000	Minimum: 3	Strictly defined by law	NO
OFFSHORE Company	LBP 30 million or USD 20,000	Minimum: 3	Strictly defined by law, except transaction in Lebanon, banking & insurance	NO
LIMITED LIABILITY Company S.A.R.L	LBP 5 million or USD 3,333	Minimum: 3 Maximum: 20	All sectors except for banking, finance, supplies & organized freight	NO except for certain sectors
BRANCH OF FOREIGN Company	None	N/A	All sectors	NO
REPRESENTATIVE Office	None	N/A	All sectors	NO

¹³ http://investinlebanon.gov.lb/en/doing_business/starting_a_business/types_of_business_structures