

United Arab Emirates

[Please introduce here the name of your country]

COMPETITION FRAMEWORK

Competition Law	<p>On 28 September 2023, the United Arab Emirates (UAE) issued Federal Law No. 36 of 2023 ("New Competition Law")</p> <p>According to Article 39(2) of the Law, the regulations and resolutions issued pursuant to the provisions of Federal Law No. (4) of 2012, including the Resolution Forming the Competition Committee, shall remain in force until they are replaced by others in accordance with the provisions hereof.</p> <p><i>[Please Introduce the name of the laws constituting the National Competition Law Regime. Include the year of enactment and the corresponding amendments as well]</i></p>
Competition Authority	<p>The new Law did not create a new competition authority; the Regulatory Committee within the UAE Ministry of Economy is in charge of overseeing all matters related to the New Competition Law</p> <p>The main functions of The Ministry of Economy and Competition are:</p> <ul style="list-style-type: none"> - Implementing the competition policy - Investigating Anti-Competitive Practices - Promoting a Culture of Competition - Engaging Experts: When necessary, the Ministry can retain external experts or consultants with specialized knowledge to address specific competition-related matters. - conduct studies, prepare reports and share information with the public <p><i>[Please introduce here the name of the competition authorities that are part of the enforcement process of the laws mentioned in the previous question. In that regard, please specify the norms that established those agencies, the year in which they started operation, and their website. Include tribunals only if they have a role in the process of founding guilt and imposing sanctions. This point specifically excludes judicial authorities that only have judicial review powers]</i></p>

POLICY-MAKING AGENTS

-DIVERSIFICATION-

How many agencies are responsible for competition enforcement?	<p>Articles 16 through 19 of the Competition Law establish the regulatory framework of the authorities, stating that a Regulatory Committee shall be established and that it reports to the Minister, proposing competition protection policies and offering recommendations on exempting certain practices.</p> <p><i>[Please mention how many authorities have a general mandate to enforce competition in your jurisdiction. Include a brief reference on their duties e.g.: if they impose criminal, civil or administrative liability. The purpose is that readers can quickly understand, which are the agencies charged with competition enforcement in the jurisdiction, the difference between them, and if they have concurrent, overlapping, or exclusionary authority. Include the relevant provisions on which their powers are based. Exclude in this point sector regulators or enforcers]</i></p>
Do sector regulators have a competition policy enforcement mandate?	<p>No.</p> <p>According to article 22 of Law 36 of 2023, Sectoral Regulatory Agencies having no law or bylaws regulating their own competition rules can assess anti-competitive practices, exemption requests, and economic concentration applications that might impact competition and the relevant sector's overall balance. However, they can only do so upon</p> <p><i>[Please introduce the name agencies that have powers to enforce any aspect of competition law, including merger control, in specific sectors. Introduce the relevant provisions on which their powers are based]</i></p>
Have the Competition Authority and other	There is no available information on the website stating specific protocols

agencies signed protocols or memoranda of understanding with sector regulators?	or MoUs signed by the UAE Competition Authority <i>[Please mention here any provision or interinstitutional agreement that allows the competition authorities to coordinate behavior to effectively enforce competition law]</i>
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**DISAGGREGATED FUNCTIONS—
PROSECUTORIAL MODEL**

Are there different authorities or agencies that make the decision to investigate and the final ruling in the cases?	No <i>[Answer: Yes or No]</i>	According to article 18 of Law 36 of 2023, the ministry is in charge of investigating anti-competitive practices, investigations, based on a complaint or at its own initiative, as well as addressing such practices in cooperation with the Relevant Authorities, and making recommendations to the Minister on the decisions to be taken in this regard to take the actions he deems appropriate. <i>[If the answer is yes, please explain briefly the enforcement process, and include the relevant provisions. The purpose of this question is to understand the enforcement model of the jurisdiction and establish how many independent authorities are involved in the enforcement process and what are their functions]</i>
Are disputes presented for decision to judiciary authorities?	Yes <i>[Answer: Yes or No]</i>	According to article 31 of Law 36 of 2023 allegations of anti-competitive behavior will be subject to expedited hearings. The presiding court has the authority to issue an interim injunction, suspending the disputed conduct until a final judgment is delivered. <i>[If the answer to your question is “yes”, please introduce the name of the judiciary authorities that are involved and their role until the final decision in the process is achieved; exclude from this question judiciary authorities whose role in the process is the judicial review of administrative decisions]</i>
Do private rights of action to challenge competition law infringements exist in your jurisdiction	Yes <i>[Answer: Yes or No]</i>	According to article 30 the competition law (Law 36 of 2023), the imposition of penalties does not preclude the injured party from seeking judicial recourse to claim compensation for damages arising from any breach of the competition law <i>[If the answer is “yes”, please explain briefly the process and who are the persons entitled to exercise those rights; mention the relevant provisions]</i>

*** Please fill the next sections for each of the authorities mentioned in the prior sections excluding sector regulators**

COMPETITION REGULATORY COMMITTEE

STATUS OF THE COMPETITION AUTHORITY

Accountability	Please, answer “Yes” in the boxes of this line if any of the duties on the right column apply to the authority, and “No” if they do not.	Answer with X/√ as it applies	Please, in the boxes of this line mention the relevant provisions in which the obligations are based.
Does the Competition Authority have obligations before the executive?	Yes	X	Obligations to report to the executive on on-going investigations upon request. <i>[Introduce the relevant provisions]</i>
		√	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch. <i>[Introduce the relevant provisions]</i>
		√	The executive has to report on an annual basis to the executive. According to article 17, the Competition Regulatory Committee must prepare an annual report on the Committee's activities to be presented to the Minister. <i>[Introduce the relevant provisions]</i>

Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.	According to article 17, the Competition Regulatory Committee must prepare an annual report on the Committee's activities to be presented to the Minister. <i>[Introduce the relevant provisions]</i>
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.	<i>[Introduce the relevant provisions]</i>
		X	Its activities are monitored by an independent auditor or by oversight committees.	<i>[Introduce the relevant provisions]</i>
Does the Competition Authority have obligations before the judiciary or independent agencies?	Yes	√	Decisions of the Competition Authority are subject to judicial review.	According to Article 34 of the Law, any stakeholder can file a written complaint about a decision with the Minister, the chairman of the Relevant Authority, or the chairman of the Regulatory Agency. If the complaint is dismissed or not responded to within the stipulated period, the complainant can appeal the decision before the competent court within thirty days from the date of notification of the dismissal or the lapse of the time limit without a response. Additionally, the judiciary may issue decisions to stop or prevent actions until a final decision. <i>[Aside from the relevant provisions please mention the judicial authority charged with the review]</i>
		X	Decisions of the Competition Authority are subject to review or control of an independent authority different from the judiciary?	<i>[Aside from the relevant provisions, please mention the authority charged with the review]</i>
		Other obligations/comments: Please introduce any other obligation or comment that you consider relevant. <i>[Introduce any comment that you consider relevant regarding the status of accountability of accountability of the competition authority]</i>		
Independence		Please, answer "Yes" or "No"		
Are the criteria for appointment and removal of the head/board members clear and transparent?	No	There is no provision on Law 36 of 2023 that states anything about the appointment or removal of the members of the Committee yet article 12 of the previous law (Law 4 of 2012) states that the Committee shall be chaired by the Undersecretary of the Ministry of Economy. <i>[Please introduce the relevant provisions, and if the answer to this question is "no", explain briefly why in your opinion the criteria are not clear or transparent]</i>		
Does the executive have powers to decide on specific cases based on public interest?	Yes	According to Article 21, the Relevant Authority can consider anti-competitive		

		<p>practices, related exemption applications, and applications for approval of economic concentration that would affect competition and the general balance of the relevant market at the Emirate level. This consideration is subject to specific conditions, such as the relevant undertakings being situated only in the same emirate and the impact not going beyond the borders of the emirate.</p> <p><i>[Please introduce the relevant provisions, and if the answer to the question is "yes", explain in which cases the executive can decide on public interest bases]</i></p>
Does the executive retain decision-making powers over the Competition Authority?	No	<p>The executive branch, through the Ministry of Economy and the Cabinet, has several powers over the Competition Authority by controlling its formation, member appointments, and reporting structure. Hence, the Authority operates under the guidance and oversight of the executive branch, aligning its activities with national competition policies and priorities. This does not mean it has decision making powers.</p>
Is the Competition Authority obliged to publish reasoned decisions to ensure transparency?	No	<p>The Law No. (36) of 2023 Regulating Competition does not explicitly state that the Competition Authority is obliged to publish reasoned decisions to ensure transparency.</p> <p><i>[Please introduce the relevant provisions]</i></p>
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	No	<p>Law 36 of 2023 Regulating Competition does not specify a provision allocating a national budget directly to the Competition Authority to ensure its proper functioning. The decree does, however, outline the responsibilities and obligations of the Ministry of Economy and other relevant authorities in implementing and overseeing competition regulations, which implies that adequate resources and support from the national budget would be necessary for these activities.</p> <p>Despite this, article 36 of the law establishes that the implementation of the Decree-Law shall be subject to fees established by a Cabinet resolution, issued upon the recommendation of the Minister of Finance.</p> <p><i>[Please introduce the relevant provisions and the budget assigned to the authority for the current year and the next if it is already approved]</i></p>
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	<p>Law 36 of 2023 does not explicitly outline how the Competition Regulatory Committee (CRC) is financed.</p> <p><i>[Please introduce the relevant provisions and mention the means by which the authority can be financed on its own]</i></p>
GOVERNANCE OF THE COMPETITION AUTHORITY		
Is the Competition Authority governed by a single chairman or by a collegiate body?	<p>Collegiate Body</p> <p>The governance structure of the Competition Authority under the Law 36 of 2023 Regulating Competition is based on a collegiate body.</p> <p>The competition law specifies the formation of a Competition Regulatory Committee that reports to the Minister of Economy. The Committee's formation and its rules of procedure are determined by a resolution issued by the Cabinet upon the Minister's proposal.</p> <p>The Ministry of Economy has specific competences related to competition affairs</p> <p>Relevant Authorities and Sectoral Regulatory Agencies are also involved in considering anti-competitive practices and related exemption applications within their respective jurisdictions.</p> <p>These provisions highlight that the Competition Authority operates through a structured, multi-layered governance framework involving multiple entities and committees, ensuring that decision-making is not centralized in the hands of a single individual.</p> <p><i>[Answer "single chairman" if the directive organ of the authority is composed of one person. Answer "collegiate body" if the authority's directive organ is composed of two or more members, regardless if this organ is directed or presided by a chairman or president. Also mention how many board members or directors are part of the Direction Body]</i></p>	
How are the members of the Authority's directive organ chosen?	<p>The Committee is formed and its rules of procedure are established by a resolution issued by the Cabinet upon the proposal of the Minister of Economy and the members of the Committee are appointed by the Cabinet based on the Minister's proposal.</p> <p><i>[Please describe the electing process for choosing the members of the directive organ. Include relevant provisions; mention the</i></p>	

	<i>branch government involved in this process]</i>		
Is there a fixed period during which removal is prohibited?	No	<i>[If your answer is “yes”, please introduce the duration of the tenure and the relevant provisions. If the answer is no, please refer if there are specific and restricted grounds under which the members of the Directive body can be removed; mention if they are elected for a term and introduce the relevant provisions]</i>	
Is the tenure of the heads renewable?	No	Law 36 2023 Regulating Competition does not explicitly state whether the tenure of the heads of the Competition Authority is renewable. The law outlines the formation and rules of procedure of the Competition Regulatory Committee, but specific details regarding the renewability of the tenure of its members are not provided in the text extracted. <i>[Please, introduce the relevant provisions]</i>	
Are the heads required by law to have certain minimum qualifications (degree in law or economics, age, experience)?	No	Law 36 of 2023 regulating Competition does not specify particular minimum qualifications. <i>[If your answer is “yes”, please make reference to the qualifications required by law and the relevant provisions]</i>	
ARCHITECTUREA			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a ministry?	Bigger Entity	The Ministry of Economy in the United Arab Emirates is composed of 6 sectors and 4 departments that directly report to the Minister. The Competition department is part of the Commercial Control and Governance Sector. <i>[If your answer is “part of a bigger entity”, please explain briefly how the bigger entity is organized]</i>	
POLICY DUTIES			
Does the Competition Authority have an exclusive mandate on competition or multiple mandates?	Exclusive	<i>[Answer with X/√ as it applies]</i> √	Concurrent consumer protection mandate.
		<i>[Answer with X/√ as it applies]</i> √	Concurrent IP mandate.
		Other mandates: Include any other mandates entrusted to the Competition Authority	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	The Ministry is authorized to implement competition policy, coordinate with authorities, investigate anti-competitive practices, and issue complete reports on competition. <i>[If the answer is “yes”, please mention the type of liability that the actions of the agency seek: civil, criminal, administrative. Introduce the relevant provisions; briefly explain if the powers of the authority are limited to certain types of cartels and what kind of sanctions can be imposed]</i>	
Does the Competition Authority have powers to investigate unilateral Conduct?	Yes	According to Article 18, the Ministry, which oversees the Competition Authority has the competence to collect information, and investigate anti-competitive practices. <i>[If the answer is “yes”, please mention briefly if the competition authority is invested with the power to pursue exploitative and exclusionary effects, also make reference to relevant provisions, the type of liability that the actions of the authority seek, and what kind of sanctions can be imposed]</i>	

Does the Competition Authority have the powers to conduct <i>ex-ante</i> merger review?	Yes	<p>According to Article 15 of the competition law (Law No. (36) of 2023) Regulating Competition, the Minister or his authorized representative has the authority to make reasoned decisions on applications for economic concentration (mergers and acquisitions). These decisions include approving the economic concentration, approving it with conditions, rejecting it, or determining that the conditions do not apply.</p> <p><i>[If the answer is “yes”, please explain briefly the process and which are the remedies that authority can seek or impose and mention the relevant provisions]</i></p>
Is the notification of merger transactions mandatory?	Yes	<p>With the previous law, companies merging had to notify the authorities if their combined market share surpassed a certain percentage set by the government. This percentage represented the total transactions of both merging entities compared to the entire relevant market.</p> <p>The new law (Law 36 of 2023) introduces an additional test based on annual turnover. Merging companies will now also need to notify the authorities if their combined annual sales in the relevant market from the last fiscal year exceed a specific amount. This amount will be determined by a council of ministers. Further guidance on the exact market share percentage and annual turnover threshold will be provided in upcoming regulations.</p> <p><i>[If the answer is “yes”, please explain whether all the transactions shall be notified or if there is a threshold; mention relevant provisions]</i></p>
Can the parties close the transaction before the final decision of the Authority (suspensory effect of merger notification)?	No	<p>No, the parties cannot close the transaction before the final decision of the Authority.</p> <p>According to Article 15 of Law No. (36) of 2023 Regulating Competition, the Minister or his authorized representative must make a decision regarding the application for economic concentration (mergers and acquisitions). The law specifies that the parties must wait for this decision before proceeding, ensuring that the transaction cannot be finalized until approval is granted.</p> <p><i>[Please mention the relevant provisions and add any explanation that you deem necessary]</i></p>
Does the Competition Authority have the power to carry out <i>ex-post</i> merger investigations?	Yes	<p>No provision in the law states explicitly post-merger investigations but article 18 the law lists the competences of the Ministry, which includes collecting information about, and investigating, anti-competitive practices, including those related to economic concentrations (mergers). It can be inferred post-merger investigations are included.</p> <p><i>[Please mention relevant provisions]</i></p>
Does the Competition Authority have the power to impose remedies on <i>ex-post</i> merger investigations?	No	<p>Law No. (36) of 2023 Regulating Competition does not explicitly mention the power of the Competition Authority to impose remedies on ex-post merger investigations.</p> <p><i>[If the answer is yes, please mention the remedies that the Authority can impose; mention relevant provisions]</i></p>
Does the Competition Authority have powers to conduct dawn raids at premises?	No	<p>Article 35 of Law 36 of 2023 grants specific employees law enforcement authority to investigate and uncover violations of competition laws and related regulations. It could be presumed that This allows them to conduct dawn raids to ensure businesses are complying with fair market practices.</p>

		<i>[If the answer is "yes", please mention whether the dawn raids shall be authorized by a judge, and mention the relevant provisions]</i>
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<p>According to article 18 of Law 36 of 2023, the ministry is in charge of investigating anti-competitive practices, investigations, based on a complaint or at its own initiative.</p> <p><i>[Please, mention the relevant provisions]</i></p>
Does the Competition Authority have powers to accept leniency applications?	Yes	<p>Even though leniency is not explicitly mentioned in the law, according to Article 21 the Relevant Authority is empowered to consider anti-competitive practices, related exemption applications, and applications for approval of economic concentration that would affect competition and the general balance of the relevant market.</p> <p>Consequently, the Ministry is involved in these processes and can take part in considering these applications along with the Relevant Authority.</p> <p><i>[If the answer is "yes", please mention if there is any limitation for the applicants, what are the benefits, and mention the relevant provisions. Include any commentary that you consider relevant about the leniency program]</i></p>
Does the Competition Authority have powers to accept seek criminal punishment?	Yes	<p>According to Article 33 of Law No. (36) of 2023 the Competition Authority has the power to seek criminal punishment.</p> <p>Yet, criminal actions related to the crimes stipulated in the Law may only be instituted at the written request of the Minister or his authorized representative.</p> <p>Additionally, the Minister or his authorized representative has the authority to reconcile with the violator regarding any such acts before bringing the criminal action to court. This reconciliation requires the payment of an amount not less than double the minimum fine, as established by the Executive Regulations of the law.</p> <p><i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i></p>
Advocacy		
Can the Competition Authority issue opinions on draft legislation?	Yes	<p>According to Article 17 of the competition law, the competence of the Competition Regulatory Committee is to propose legislation and procedures for protecting competition and present them to the Minister.</p> <p><i>[if the answer is yes, please specify if there is any kind of limitation to the agency's authority to issue opinions, include relevant provisions]</i></p>
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	<p>The executive and/or legislature is not explicitly obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition. However, the law does provide mechanisms for the Competition Authority to propose legislation and procedures related to competition as stated above</p> <p><i>[if the answer is yes, include relevant provisions]</i></p>
Rulemaking		

Can the Competition Authority issue guidelines?	No	X <i>[Answer with X/ ✓ as it applies]</i>	Guidelines on the calculation of fines.
		X <i>[Answer with X/ ✓ as it applies]</i>	Guidelines on merger control.
		X <i>[Answer with X/ ✓ as it applies]</i>	Guidelines on the economic analysis of abuse of dominance cases.
Can the Competition Authority issue binding regulation on competition?	No	<p>According to article 17, the Competition Regulatory Committee can propose general policy for competition as well as legislation and procedures of protecting competition, and present them to the minister.</p> <p><i>[Please, explain which kind of regulation and mention the relevant provision on which the powers are based]</i></p>	
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes	<p>According to article 18(6) of Law 36 of 2023, the Ministry has competence to Conduct studies and collect information and data related to competition in the markets and issuing reports thereon in cooperation with the Relevant Authorities</p> <p><i>[If the answer is “yes”, include relevant provisions]</i></p>	
Can the Competition Authority report to the legislature on the results of market studies?	Yes	<p>According to article 18(6) of Law 36 of 2023, the Ministry has competence to Conduct studies and collect information and data related to competition in the markets and issuing reports thereon in cooperation with the Relevant Authorities</p> <p><i>[If the answer is “yes”, include relevant provisions]</i></p>	
DECISION-MAKING FUNCTIONS			
Aggregated Functions			
Does the Competition Authority make the decision to investigate and make guilty findings?	No	<p>The Committee makes the investigations and makes recommendations to the minister.</p> <p>According to Article 18 Law 36 of 2023, the Ministry has the competence to collect information about anti-competitive practices and conduct investigations based on complaints or on its own initiative. The Ministry can then make recommendations to the Minister on the actions to be taken regarding these practices.</p> <p><i>[If the answer is “yes”, include relevant provisions]</i></p>	
Does the Competition Authority impose punishments?	Yes	<p>The Council of Ministers is authorized to issue decisions regarding administrative penalties that may be imposed on Establishments for violations of Articles 23-29.</p> <p>Fines may range from AED 100,000 to 10% of annual total sales.</p> <p>In cases of determining total sales challenges, fines between AED 500,000 and AED 5,000,000 may be imposed.</p> <p><i>[If the answer is “yes”, please mention the different kinds of sanctions that the agency can impose]</i></p>	

<p>Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?</p>	<p>No</p>	<p>Law No. (36) of 2023 Regulating Competition outlines that the investigation and issuance of findings of guilt within the Competition Authority involve multiple bodies rather than a single one.</p> <p>The Ministry of Economy is responsible for collecting information and conducting investigations related to anti-competitive practices, either based on complaints or on its own initiative. It then makes recommendations to the Minister of Economy on the actions to be taken. This indicates that the investigative process involves both the Ministry and the Minister. Additionally, the law mentions the formation of a Competition Regulatory Committee that reports to the Minister, further demonstrating a multi-body approach rather than a single body carrying out all functions.</p> <p><i>[Regardless of the answer please explain briefly the enforcement process until the final decision is issued, include relevant provisions, and if the answer is “No” mention how the head of the body that carries out the investigation is elected and removed. The main idea of this last point is to establish whether the investigation authority is, in fact, independent from the decision-making body]</i></p>
<p>Can the Competition Authority’s decisions be appealed to a court?</p>	<p>Yes</p>	<p>Under article 34 of Law 36 of 2023, the complainant may appeal the decision dismissing the complaint before the competent court within thirty days from the date of being notified of this decision or the lapse of the time limit of deciding upon the complaint without giving notice to the complainant.</p> <p><i>[Please, mention the judicial authority who is charged with the review, make reference to the relevant provisions, and if there is any requirement to exercise the right of the judicial review]</i></p>
<p>Please add commentaries or information that you consider relevant and were not covered in any of the previous sections and questions.</p>		