

Ministerial Decision No. (96) of 2026
Regarding Granting a Temporary Exemption to Certain Agreements and Categories of
Contracts Aimed at Ensuring the Continuity of Supply of Essential
Goods and Services in Exceptional Circumstances

The Minister of Economy and Tourism,

- Having reviewed Federal Law No. (1) of 1972 concerning the Competencies of Ministries and Powers of Ministers, as amended;
- Federal Law No. (15) of 2020 on Consumer Protection, as amended, and its Executive Regulations;
- Federal Decree-Law No. (36) of 2023 Regulating Competition;
- Cabinet Decision No. (37) of 2014 issuing the Executive Regulations of Federal Law No. (4) of 2012 Regulating Competition;
- In light of the State's commitment to enhancing economic and food security, ensuring the continuity of supply chains, and maintaining market stability during emergencies or exceptional circumstances;
- Following coordination with the relevant authorities in the State;
- Based on the submission of the Undersecretary;

Has decided the following:

Article (1)

Definitions

The definitions set out in Federal Decree-Law No. (36) of 2023 Regulating Competition shall apply to this Decision. Otherwise, the following terms shall have the meanings assigned to each of them, unless the context requires otherwise:

Decree-Law: Federal Decree-Law No. (36) of 2023 on the Regulation of Competition.

Exempted Agreements and Categories of Contracts: Agreements, arrangements, or concerted practices between Undertakings operating in relevant markets aimed at ensuring the continuity

of production, supply, or distribution of essential goods and services during emergencies, provided that they do not result in the elimination or substantial restriction of competition in the Relevant Market.

Essential Goods and Services: Goods and services necessary to ensure the continuity of daily life and the stability of markets and supply chains in the State, the disruption of which would lead to significant economic or social impacts, including in particular:

1. Food and essential consumer goods, including wheat, rice, flour, sugar, vegetable oils, dairy products, meat, poultry, fish, eggs, bread, canned food, and bottled water.
2. Transport and logistics services, including maritime, air, and land freight, port services, storage, cold chain logistics, and distribution of essential goods.
3. Any other goods or services designated by the Ministry, in coordination with Relevant Authorities, as essential for the purposes of this Decision.

Article (2)

Scope of Application

1. The provisions of this Decision shall apply to Agreements, arrangements, or coordinated practices carried out between Undertakings operating in the State, related to essential goods and services, where the purpose thereof is to ensure the continuity of their production, supply, or distribution, during exceptional circumstances that lead to disruption of supply chains or shortage of such goods or services.
2. The application of the exemption provided for in this Decision shall be limited to cases where cooperation between Undertakings is:
 - a. Necessary and proportionate to address emergency situations or exceptional circumstances,
 - b. Aimed at ensuring the availability of essential goods and services in the markets and ensuring market stability in exceptional circumstances;
 - c. Does not exceed the limit necessary to achieve the legitimate objective;
 - d. Does not lead to the exclusion of competitors or harm consumers in the medium or long term;
3. The application of the provisions of this Decision shall not prejudice the powers of the Ministry or the Relevant Authority to monitor markets and take the necessary measures

to ensure that the exemption is not misused in a manner that harms competition, consumers, or the national economy.

4. Cooperation shall be permitted in purely operational aspects and to the extent necessary to ensure continuity of supply, and in no case may such cooperation extend to core elements of competition.

Article (3)

Exemption of Agreements and Categories of Contracts

Pursuant to the provisions of Article (11) of the Decree-Law, the Agreements and categories of contracts referred to in this Decision shall be granted an exemption from the application of paragraphs (b) and (d) of Clause (1) and paragraph (a) of Clause (2) of Article (5) of the Decree-Law, to the extent necessary to ensure the continuity of the production, supply, or distribution of essential goods and services, during the exemption period prescribed in this Decision, in accordance with the following controls:

1. Undertakings may coordinate among themselves regarding determining certain conditions of sale or purchase or performance of service when this is necessary to ensure continuity of supply of essential goods and services in the markets. This includes, for example but not limited to:
 - a. Coordination of transport and distribution arrangements.
 - b. Determining mechanisms for delivery of products or their distribution between points of sale.
 - c. Coordination of supply or delivery schedules.
 - d. Unification of certain technical or logistical requirements necessary to ensure continuity of supply.

In no case may such coordination include any Agreement or coordination, directly or indirectly, on fixing, setting, or manipulating prices or any other pricing elements.

2. Undertakings may coordinate among themselves regarding organizing or reorganizing production, distribution, or marketing processes, where this is necessary to ensure the continued availability of essential goods and services in the markets, including for example but not limited to:
 - a. Redirecting production capacities towards the production of essential goods.

- b. Coordination and cooperation in the use of storage or transport facilities and sharing the associated logistical resources.
 - c. Redistributing distribution areas on a temporary basis to ensure market coverage.
- Coordination in operational aspects related to the distribution and marketing of essential goods and services, without prejudice to core elements of competition, provided that such coordination is temporary and does not exceed what is necessary to address supply disruptions.
- 3. Undertakings may, on a temporary basis, coordinate among themselves regarding sharing or allocating supply areas or customers where this is necessary to ensure the delivery of essential goods and services to all areas in the State, subject to the following:
 - a. That the allocation is temporary and limited to the period of exceptional circumstances.
 - b. That its purpose is to ensure market coverage and prevent shortages of essential goods or services.
 - c. That it does not lead to the exclusion of other Undertakings from the market or hinder their entry.

Article (4)

Conditions and Controls

- 1. The following shall be required to benefit from the exemption:
 - a. The cooperation is necessary and proportionate to address supply disruptions in essential goods or services based on the requirements of exceptional circumstances.
 - b. The cooperation does not include any form of coordination or understanding regarding prices, discounts, costs, profit margins, or any pricing elements, whether directly or indirectly, including through systems or algorithms.
 - c. Cooperation does not lead to dominance in the market or the exclusion of competitors from the market.
 - d. Cooperation is not a means of collusion in tenders, bids, or auctions.
 - e. No artificial shortage of goods or services is created, nor are they concealed or stored without justification.

Unofficial Translation

- f. The cooperation is temporary and does not exceed what is necessary to address exceptional circumstances.
 - g. The cooperation does not result in any negative effect on consumer rights or on price levels or availability of goods and services.
 - h. The cooperation does not continue after the disappearance of the reasons that necessitated it, except in cases determined by the Ministry or the Relevant Authority.
 - i. That the purpose of the cooperation is not, nor does it directly or indirectly result in, restricting the free flow of goods and services to or from the Relevant Market, including concealing or storing them without justification, refraining from dealing therein, or artificially creating a sudden surplus leading to their sale at a manufactured price.
2. Under no circumstances may such coordination extend to include any of the following practices:
- a. Any practices that would distort or restrict competition beyond the legitimate purpose of coordination.
 - b. That such cooperation shall not be a cause of harm to the interest of the final consumer.

Article (5)

Notification to the Ministry

1. The concerned Undertakings shall notify the Ministry or the Relevant Authority, as the case may be, via email (competition@moet.gov.ae) of the Agreements referred to within a period not exceeding fifteen (15) working days from the date of their implementation, or immediately upon the Ministry's request, whichever is earlier.
2. The Ministry or the Relevant Authority, as the case may be, may request any information or data it deems necessary to verify compliance with the provisions of this Decision.
3. The Ministry or the Relevant Authority, as the case may be, may, where necessary, request the suspension of the implementation of any agreement or arrangement until its compliance with the provisions of this Decision is verified.

Article (6)

Suspension, Amendment, or Revocation of the Benefit from the Exemption

The Ministry or the Relevant Authority, as the case may be, may suspend, amend, or revoke the benefit from the exemption granted under this Decision if it is found that the relevant Agreements or practices lead to negative effects on competition, consumer interests, or market stability.

Article (7)

Duration of the Exemption

1. The exemption granted under this Decision shall be valid for a period of two (2) months from the date of its issuance, and it may be extended by a decision of the Minister if the exceptional circumstances that necessitated its issuance continue.
2. Without prejudice to the expiry of the exemption period stipulated in Article (7) Clause (1) of this Decision, Undertakings that benefited from this exemption may continue to implement the arrangements or Agreements concluded pursuant thereto, to the extent necessary to dispose of or sell the stocks formed during the period of validity of the exemption, provided that such continuation does not exceed three (3) months from the date of expiry of the exemption period, and in a manner that does not prejudice the conditions and controls stipulated in this Decision or result in harm to competition or consumers.

Article (8)

Penalties and Legal Measures

Without prejudice to any more severe penalty stipulated in any other law, in the event of violation of the provisions of this Decision or breach of the conditions, controls, and procedures stipulated therein, the Ministry or the Relevant Authority, as the case may be, shall undertake taking the necessary legal measures and actions against the violating Undertakings, including:

1. Imposition of administrative penalties in accordance with Article (23) of the Decree-Law.
2. Referral of violations to the competent court to apply the penalties stipulated in Article (24) of the Decree-Law.

Article (9)

Unofficial Translation

Publication and Entry into Force

This Decision shall be published in the Official Gazette and shall come into force from the date of its issuance.

Abdullah bin Touq Al Marri
Minister of Economy and Tourism

Issued on: 16/04/2026