

UNITED ARAB EMIRATES
MINISTRY OF ECONOMY & TOURISM



الإمارات العربية المتحدة
وزارة الاقتصاد والسياحة

Guidelines for Submitting Competition Complaints

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Introduction

These guidelines have been developed pursuant to Federal Decree-Law No. (36) of 2023 Regulating Competition, its Implementing Regulations, and all decisions issued in implementation thereof. The objective of these guidelines is to ensure the proper and effective application of said provisions by simplifying the relevant concepts and procedures concerning complaints on Anti-Competitive Practices and establishing clear protocols for their submission to the competition authority represented by the Ministry of Economy & Tourism, or the Relevant Authority.

Note: The guidelines do not serve as a substitute for the legal framework currently in force but rather offers a general explanation of the key steps and procedures to be followed when submitting such complaints.

Purpose

Competition disputes are inherently complex in nature, involving the intersection of economic, competition-related, and legal dimensions. Given the nature of such practices, which may affect both the general economic interests of the State and the private interests of economic operators, the need has arisen to develop this guide to provide a practical and reference framework that supports their effective management.

The guide aims to simplify the concepts and procedures related to submitting competition complaints to the Ministry of Economy and Tourism, as the authority entrusted—under Federal Decree-Law No. (36) of 2023 on the Regulation of Competition—with the mandate to administer competition affairs and adjudicate disputes arising therefrom.

The guide also seeks to enhance transparency and efficiency by standardizing the criteria and procedures associated with complaint submission, thereby improving service quality and facilitating the process of assessment and adjudication. The more a complaint complies with the conditions and procedures outlined in this guide, the more effectively it will assist the Competition Department in expediting the review and resolution of the complaint.

Target Audience

For the purposes of these guidelines, this document serves as a practical and reference tool designed to assist federal, local, and sectoral government entities, as well as private sector actors, in understanding the methodology for defining the relevant market and in developing it in subsequent stages.

- **Economic establishments operating in the market:**

These guidelines assist economic enterprises in understanding all key stages and procedures involved in submitting a complaint concerning competition-related disputes. The guidelines constitute an important tool for such enterprises to identify the legal and technical requirements that must be observed when engaging in a dispute involving Anti-Competitive Practices. This, in turn, facilitates the acceptance of their complaint, its investigation, and adjudication within a reasonable and timely manner.

- **Legal consultancy and market research firms:**

Law firms and legal consultants are among the most prominent stakeholders, acting as counterparts to the Competition Authority in representing their clients, particularly Economic Establishments. Given the frequent submission of competition-related complaints by such firms and the issues they raise regarding the application of the Decree-Law, these guidelines serve as a core reference for analyzing their clients' claims and effectively representing them before the Competition Authority and other relevant government entities. It will also support the proper preparation and submission of case files in accordance with the legal and technical requirements set forth in the applicable laws and in a manner consistent with their professional ethics.

- **Government entities:**

Government entities that are affected by prohibited practices may, in certain cases, submit complaints to the Ministry of Economy & Tourism, based on their jurisdiction over competition-related disputes involving anti-competitive practices.

Definitions

State	: United Arab Emirates
Ministry	: Ministry of Economy & Tourism
Competent Department	: Competition Department at the Ministry of Economy & Tourism
Relevant Authority	: The competent local authority.
Interested Party	: Any natural or legal person with a legitimate interest in lodging a complaint with the Ministry to investigate anti-competitive practices in violation of the Decree-Law and its Implementing Regulations.
Anti-Competitive Practices	: Practices primarily in violation of Articles (5), (6), (7), and (8) of the Decree-Law.
Economic Establishments	: For the purposes of this guide, they are considered the primary parties subject to complaints concerning Anti-Competitive Practices.
Competition Disputes	: For the purposes of this guide, these are disputes related to Anti-Competitive Practices as set forth in the Decree-Law.
Decree-Law	: Federal Decree-Law No. (36) of 2023 Regulating Competition.

Definition of a Complaint

A complaint, in general, is a formal legal document containing facts and legal grounds, submitted by a party referred to as the complainant to a competent administrative, judicial, or independent authority. It is filed by a person with a legitimate interest and sufficient grounds to bring the complaint against another party—referred to as the respondent—with the aim of seeking legal redress for a violation that has resulted in material or moral harm to the complainant, other affected parties, or the public interest.

In the context of competition law specifically, a complaint is a request submitted by a natural or legal person with a legitimate interest to the competition authority, seeking investigation, examination, and termination of a violation of the Decree-Law and the principles of free and fair competition.

1. Pre-Submission Stage

Any party with a legitimate interest concerning any violation related to the implementation of the Decree-Law, its Implementing Regulations, or any relevant Cabinet Decision may contact the Competition Department at the Ministry of Economy & Tourism to request clarification or assistance in submitting the complaint properly. These inquiries may be submitted through the following methods:

- Electronically, by communicating with the Competition Department via the following email address: competitiondepartment@economy.ae
In this regard, inquiries should be clearly formulated and include the facts and the alleged anti-competitive practices, to facilitate proper handling.
- Or by requesting to schedule a meeting with the Competition Department, either in person or via virtual communication platforms, depending on availability and scheduling arrangements as determined by the Department.

This process generally helps to:

- Frame and direct the complaint appropriately.
- Legally characterize the alleged practices.
- Determine whether the alleged practices fall within the scope of application and enforcement of the provisions of the Decree-Law, its Implementing Regulations, and the relevant Cabinet Decisions.
- Determine whether the jurisdiction to examine and adjudicate the practices lies with the Ministry of Economy & Tourism as the Competition Authority, or with other governmental bodies vested with such jurisdiction by law.

Example (1)

Company (A) seeks to submit a complaint against Company (B) for engaging in suspicious practices that have harmed its economic interests in the market or are likely to cause harm if

continued over time. Accordingly, it submitted a request for clarification to the Competition Department.

Following a review of the facts, it was revealed that Company (B) engaged in the deliberate imitation of the trade name, branding, and packaging design of Company (A)'s products in a way that creates confusion among consumers, despite the absence of exclusive intellectual property rights. While this conduct created unfair competition by misleading consumers and exploiting the market reputation of Company (A), it did not result in a distortion of market structure, pricing mechanisms, or competition dynamics at a broader market level.

Therefore, although the practice relates to competition, it does not constitute an Anti-Competitive Practice under the meaning of the Decree-Law, as it does not impair market mechanisms such as market entry barriers, price fixing, or abuse of dominance. Instead, it qualifies as an unfair commercial practice governed by the Federal Law No. 50 of 2022 on Commercial Transactions, particularly under provisions related to unlawful imitation and unfair competition.

Based on this, the potential complainant was directed to the procedures to be followed before the competent authority, as the Competition Department, based on the facts presented, does not have jurisdiction as the authority to consider this type of complaint. Jurisdiction over such matters lies with other departments at the Ministry of Economy & Tourism or an Emirate-level authority, and the Ministry may only consider practices that are directly associated with violations specified under the Decree-Law.

Example (2):

Company (A), which operates exclusively in the food distribution sector within the Emirate of Dubai, contacted the Competition Department at the Ministry of Economy & Tourism to inquire about suspected anti-competitive practices committed by Company (B), which is also active in the same sector and within the same geographic area.

Following a review of the facts presented, it was determined that the economic effects of the alleged practices are confined to the boundaries of the Emirate of Dubai and do not extend to or impact competition at the national market level. As such, the matter falls outside the jurisdiction of the Ministry of Economy & Tourism in its capacity as the federal competition authority pursuant to the provisions of the Decree-Law.

Accordingly, the potential complainant was directed to follow the procedures applicable before the local competition authority in the Emirate of Dubai.

2. Complaint Submission

2.1 Formal Requirements of the Complaint

The complaint submission process begins with the complainant's obligation to use the complaint form provided by the Competition Department for this purpose, which is made available to any party with a legitimate interest in submitting a complaint.

This form may be obtained by contacting the Competition Department via the following email address: competitiondepartment@economy.ae.

The complainant must comply with all the requirements set out in the form prior to submitting the complaint request. The complainant is also required to provide all necessary clarifications regarding the elements specified in the form.

2.2 Content of the Complaint

A valid complaint must include the following core information, which should be incorporated in the form referred to above:

- Identity of the complainant(s)
- Identity of the respondent(s)
- Description of the relevant facts
- Specification of the anti-competitive practices being alleged
- Legal provisions alleged to be violated
- Evidence and supporting documentation
- Harm incurred or potentially incurred as a result of the practices
- Intended outcome or relief sought
- Signature of the complainant or their authorized representative
- Date of submission
- Statement on whether the complaint was filed with any other authority or legal body in the UAE

Each of these requirements is elaborated upon in the following sections.

2.3 Parties to the Complaint

Legal Basis: Pursuant to Article (32) of the Decree-Law, *“any stakeholder may file a complaint with the Ministry or the Relevant Authority about any violation of the provisions hereof, in accordance with the controls established by the Executive Regulations of this Decree-Law and the resolution issued in implementation hereof”*

For the purposes of these Guidelines, it is necessary to identify the key parties involved in submitting a complaint concerning anti-competitive practice disputes to the Ministry, in its capacity as the competent competition authority responsible for reviewing and adjudicating such matters, as well as to set out the main intended outcomes and the relief that the complainant is seeking must be included in the complaint.

2.3.1 Parties Entitled to Submit a Complaint to the Ministry of Economy & Tourism

The provisions of Article (32) of the Decree-Law regarding the complainant are general in nature; therefore, they encompass any natural or legal person, whether private or public, who has an interest in submitting a complaint concerning anti-competitive practices. Given the economic nature of competition disputes, the primary parties that typically serve as the main source of complaints related to such disputes are as follows:

2.3.2 Economic Establishments

Economic establishments are considered the main parties in competition processes; therefore, the majority of disputes concerning anti-competitive practices primarily relate to market competitors operating as economic establishments.

The concept of an economic establishment has a particular specificity: it is not determined solely in accordance with the criteria of commercial law, but rather based on economic criteria that extend to all companies, organizations, associations, and any natural or legal persons engaged in economic activity, regardless of their nature, legal form, whether their existence is de jure or de facto, or whether they are established or controlled by private entities or public bodies.

Accordingly, under the provisions of Article (1) of the Decree-Law, an economic establishment is deemed to mean any person engaged in economic activity, any person connected thereto, or any grouping of such persons, irrespective of its legal form, including the principal office of the establishment or its representative branches.

For this purpose, such establishments must engage in economic activity primarily related to production, distribution, or the provision of products, goods, or services within the State.

2.3.2.1 To qualify as a complainant, the establishment must demonstrate a legitimate interest by showing, for example:

- Active presence in the market in question
- That it is a competitor or customer of the respondent
- That the respondent's conduct harmed or is likely to harm its business interests
- That the conduct negatively affects the broader market

Example (1):

Establishment (A) operates in the healthcare services sector and requires inputs that are exclusively supplied by Establishment (B), which holds significant market power in this sector. The latter refused to supply such inputs. Consequently, Establishment (A) submitted a complaint against Establishment (B) to the Ministry of Economy & Tourism, requesting an investigation into its practices on the basis of abuse of its dominant position.

This situation demonstrates that Establishment (A) has sufficient interest to file the complaint, considering that it is a customer of Establishment (B) and that the latter's refusal to supply the required inputs could hinder Establishment (A) from carrying out its economic activity and result in its exclusion from the market.

2.3.3 Consumers

Pursuant to Article (2) of the Decree-Law, its objective is to protect and promote competition and combat monopolistic practices by providing an environment that encourages establishments to enhance efficiency, competitiveness, and consumer welfare. Under Federal Law No. (15) of 2020 on Consumer Protection, a consumer is defined as any natural or legal person who obtains a good or service—whether for consideration or free of charge—to satisfy his own need or that of another, or who is engaged in dealings or contractual arrangements in relation thereto.

A consumer may submit a complaint to the Ministry regarding anti-competitive practices committed by economic establishments in the market that have harmed his interests.

2.3.3.1 To qualify as a complainant, the consumer must demonstrate a legitimate interest in filing a complaint based on the violations related to anti-competitive practices as provided for under the Decree-Law, and must adequately establish one or more of the following:

- That the practices complained of have directly or indirectly resulted in harm to his interests; and/or
- That the practices in question are likely to cause harm to the interests of other consumers.

Example (1):

- The increase in the prices of dairy products, despite differences in their brand names, over successive periods and by equal percentages may indicate a suspicion of an anti-competitive agreement among producers, which could harm consumers' interests and their purchasing power—particularly given that these products are essential for the general public and constitute fast-moving goods (purchased almost daily).
- Accordingly, a consumer or a group of consumers submitted a complaint to the Ministry of Economy & Tourism against dairy producers or companies supplying these products, requesting inquiry and investigation into the matter. The complaint explained that the fixing and unification of prices among various factories and producers would restrict

the range of options available to consumers, preventing them from choosing among alternative offerings in the market. This practice would deplete their purchasing power in the short and medium term and impede competition from functioning in its natural role through market supply and demand mechanisms.

2.3.4 Government Entities:

Government entities may also submit a complaint where anti-competitive practices have caused harm to their economic and public financial interests. Such complaints may be filed by federal or local government authorities, as well as federal or local government-owned economic establishments. The government procurement sector constitutes the most prominent area in which such entities resort to the Ministry of Economy & Tourism, in its capacity as the competent competition authority.

To meet their needs and serve the public interest, government entities rely on market mechanisms by adopting a tendering process to obtain the best possible offers. The selection of the most advantageous offer can only occur within a system based on the principles of competition, transparency, equality, and freedom of access to government tenders. However, it may occur that the parties participating in and influencing the tender collude or manipulate the process by fixing bids that do not meet the technical and financial criteria required by the government. Such conduct could adversely affect the natural functioning of the market in selecting the best offers and the subsequent execution of the contract, in addition to causing waste of public funds and harm to the public interest.

Accordingly, the Decree-Law serves as a fundamental safeguard to ensure freedom in submitting bids and to guarantee the widest possible participation of economic operators by prohibiting any agreements or practices contrary to the rules of free competition, and by eliminating all obstacles and barriers to the entry of investors into the government procurement market. On this basis, the aforementioned government entities may raise such violations before the Ministry for

investigation and for the adoption of all necessary legal measures against the offenders, provided that the conditions related to jurisdictional rules are satisfied.

2.4 Required Information Concerning the Complainant

The complaint must include all necessary details regarding the complainant, including the following:

- Name of the complainant;
- Where the complaint is submitted by several economic establishments or by a group or association of multiple economic establishments, the name of the supervising group and the name of each affiliated economic establishment must be stated;
- The legal form of the establishment (where the complainant is an economic establishment);
- Nature of activity;
- Profession (if the complainant is a natural person not engaged in economic activity);
- National ID number (if the complainant is a natural person engaged in economic activity);
- Commercial license number (if the complainant is a commercial company);
- Principal office and address of the complainant;
- Landline/mobile phone number;
- Email address;
- Name of the representative of the complainant;
- Name and profession of the legal representative of the complainant;
- Power of attorney number;
- Principal office and address of the legal representative.

2.5 Respondent

For the purposes of these Guidelines, the complaint must include accurate details regarding the respondent. To this end, the nature of the respondent must also be determined.

2.5.1 Against Whom a Complaint Regarding Anti-Competitive Practices May Be Filed

While the complainant may include non-economic parties such as consumers or government entities, the respondent must primarily be an economic establishment, regardless of its legal form and whether it is a natural or legal person, private or public. A complaint may only be directed against a party or parties that meet the conditions related to the concept of an “economic establishment” and “economic activity” as defined under Article (1) of the Decree-Law.

Accordingly, the respondent must be an economic establishment engaged in economic activity related to production, distribution, the supply of goods and products, or the provision of services within the State or in a manner that has an effect on competition and the market within the State. Since a complaint is submitted on the basis of suspected acts or agreements that are anti-competitive, or behavior or practices contrary to the principles of free and fair competition, such acts can, in principle, only be committed by those engaged in economic activity.

Therefore, a complaint may not be filed against the State, including federal or local government entities (except for non-exempt government-owned establishments), nor against a consumer or any party that does not meet the conditions referred to above, as these parties do not engage in economic activity and are not considered economic establishments under the Decree-Law.

2.5.2 Required Information Regarding the Respondent

The complainant must include all necessary details regarding the respondent(s) in the complaint, including the following:

- Name of the economic establishment complained against;
- Where the complaint is submitted against multiple economic establishments or against a group or association of economic establishments, the name of the supervising group and the name of each affiliated economic establishment must be stated;
- Legal form of the establishment, if applicable;
- Nature of the economic activity;
- Commercial license number;
- Principal office and address of the establishment within the United Arab Emirates;
- Principal office and address of the establishment outside the United Arab Emirates;
- Landline/mobile phone number;

- Email address;
- Name of the representative of the establishment complained against;
- Name and profession of the legal representative of the establishment complained against;
- Power of attorney number;
- Principal office and address of the legal representative;
- Name of the complainant – address – email – landline/mobile phone number.

3. Identification of the Facts and Alleged Practices and Their Legal Basis

3.1 Identification of Facts

The complainant must exercise accuracy and clarity when identifying the facts underlying the complaint, so as to assist the competition authority in legally characterizing the facts under competition law. It is recommended to follow a chronological order when presenting the facts, while ensuring that the following elements are precisely included:

- The sector in which the alleged practices occurred;
- Information regarding the respondent companies, including their principal offices and addresses within the UAE or abroad, their legal form, and the nature of their economic activity;
- The geographic scope of the alleged practices and the geographic scope of the activities of the respondent establishments;
- Preliminary estimates of their sales, particularly their market shares in the relevant sector; and
- Information concerning the customers of these establishments.

3.2 Identification of the Alleged Practices and Their Legal Basis

The identification of the alleged practices is the most critical element when drafting the subject of the complaint. The complainant must specify the alleged practices with precision, taking into account the following:

- The alleged practices must fall within the types of practices expressly provided for under the Decree-Law;
- The practices must relate to violations of the rules of free and fair competition; and
- The violations must pertain to the following anti-competitive practices:
 - Restrictive agreements, as provided under Article (5) of the Decree-Law;
 - Abuse of a dominant position, as provided under Article (6) of the Decree-Law;

- Abuse of an economic dependency position, as provided under Article (7) of the Decree-Law;
- Prohibition of sales or offers at excessively low prices, as provided under Article (8) of the Decree-Law.

The complaint may be based on one or more of the above-mentioned anti-competitive practices, depending on the subject of the complaint and the facts included therein.

3.3 Importance of Describing the Alleged Practices

Accuracy in describing the alleged practices is of utmost importance, as it provides the competition authority with a clear understanding to assess whether the alleged practices constitute anti-competitive conduct under the Decree-Law.

Clearly identifying the practices is a prerequisite for the admissibility of the complaint. If the complaint includes practices unrelated to competition law violations, it may be rejected or no investigation may be initiated. Similarly, if it is determined that the practices fall outside the jurisdiction of the competition authority, the complaint cannot proceed.

The complainant must also provide a detailed explanation of the practices and should not merely state, for example, that the allegation concerns restrictive agreements or abuse of a dominant position.

Example (1)

Company (A) submitted a complaint to the Ministry of Economy & Tourism to report a group of companies—Company (B), Company (C), and Company (D)—for entering into an anti-competitive agreement. In such a case, the complainant must provide a clear explanation and precise description of the alleged practice, including specific details regarding its subject. For instance, it should be clarified that the practice concerns an agreement among these companies to fix the prices of a particular product. Accordingly, information must be provided regarding the products in question, specifying whether they are subject to the principle of freedom in price determination or whether they are regulated under a specific framework, such as requiring prior approval from the Ministry for essential materials or approval from other government authorities.

The complainant must also provide sufficient explanation regarding whether the respondent companies operate at the same level of the economic chain (e.g., as producers, wholesale distributors, or retail sellers). It is also helpful to provide additional details to explain the practice, for example, whether the price implementation under the agreement occurred at the production level, wholesale distribution level, or retail level.

Example (2)

A government entity (A) submitted a complaint to the Ministry of Economy & Tourism regarding a group of companies participating in a tender—Company (B), Company (C), Company (D), and Company (E)—operating in the construction and building sector, alleging the existence of a tacit agreement among them to submit cover bids in favor of Company (E) to secure the contract. The facts of the complaint indicate that Government Entity (A) had announced a tender for the construction of new offices within the State. Upon evaluating the financial bids, it was observed that Companies (B), (C), and (D) submitted very high and closely aligned prices, significantly exceeding the initial project cost estimates, while Company (E) submitted a bid considerably lower than the others, yet still above the preliminary cost estimates. Accordingly, the complaining government entity must indicate that the tacit agreement among the mentioned companies constitutes a prohibited practice involving collusion in bids or tenders, which violates the rules of competition in government procurement

3.4 Practices That May Not Constitute a Breach of Competition or Fall Under the Provisions of the Decree-Law

3.4.1 Unlawful Competition Practices

In some cases, there may be confusion in distinguishing practices as unlawful competition, which do not generally fall within the scope of anti-competitive practices except in certain circumstances. Although both anti-competitive practices and unlawful competition relate to the subject of competition, they are fundamentally different. Unlawful competition primarily encompasses commercial acts and behaviors between two or more traders that cause primarily personal or

individual harm, such as spreading false information about a product, employing deceptive methods, or imitating a trademark to harm the interest of a competing trader, without affecting the general balance of the market. Such practices generally give rise to civil liability and claims for compensation before the judiciary.

These practices are legally grounded in Federal Decree-Law No. (50) of 2022 concerning Commercial Transactions. By contrast, anti-competitive practices committed by economic establishments concern the public interest, as their effects primarily disrupt market mechanisms in a manner contrary to the principles of free competition and economic freedoms, thereby harming the economic interests of the relevant market, the State, and the general consumer base. These practices go beyond merely causing individual or private harm to a trader or economic establishment. The legal basis for such practices is found in Federal Decree-Law No. (36) of 2023 on Competition Regulation.

For practical purposes, competition authorities have generally held that unlawful competition practices may, under certain conditions, constitute anti-competitive practices, provided that such actions affect the overall market balance or impede its mechanisms in a way that undermines competition in the relevant sector. Thus, unlawful competition practices, as described above, do not rise to the level of anti-competitive practices unless they are accompanied by acts or behaviors that undermine free competition and affect the market and its proper functioning. These practices are typically associated with the existence of an economic establishment holding a dominant position in the market or with an economic establishment in a position of economic dependence.

Accordingly, a complainant seeking to raise unlawful competition practices must exercise caution when drafting the subject of the complaint, ensuring that they invoke anti-competitive practices such as abuse of a dominant position or abuse of an economic dependency. Without such allegations, the complaint cannot be accepted or investigated under the provisions of the Decree-Law.

Example (1)

Company (A), a competitor of Company (B), markets automotive spare parts under a globally recognized brand. With the intent of driving Company (A) out of the market,

Company (B) disseminated information alleging the unreliability and lack of authenticity of the spare parts sold by Company (A), claiming that the brand on these parts was a counterfeit of the original brand and that the origin of the goods differed entirely from the original manufacturing source.

In light of the widespread circulation of these claims in the market and the resulting harm to its products, Company (A) submitted a complaint to the Ministry of Economy & Tourism to investigate Company (B)'s unlawful competition practices, prohibited under Article (62) of the Commercial Transactions Law. Company (A) further supported its complaint by asserting that Company (B)'s actions stemmed from its market dominance and constitute an abuse of a dominant position under Article (6) of Federal Decree-Law No. (36) of 2023 on Competition Regulation, which prohibits an establishment in a dominant position from disseminating false information about products or their prices, with knowledge thereof.

3.4.2 Practices Arising Between Economic Establishments Within a Single Economic Group

Practices or agreements arising between subsidiary or affiliated economic establishments under a parent company leading an economic group are not considered anti-competitive practices under Articles (5), (6), (7), and (8) of the Decree-Law, provided the following conditions are met:

- The majority of the subsidiary's capital is held by the parent company;
- The parent company exercises legal and actual control over the subsidiary and its activities.

This means that the strategic decisions of the subsidiary are made by the parent company. In cases where agreements appear at first glance to be anti-competitive between affiliated subsidiaries, such agreements are not deemed anti-competitive under the Decree-Law, as they fall within a single economic group and are considered decisions under the influence and control of the parent company. A subsidiary may only be held accountable for anti-competitive agreements concluded with economic establishments outside the group, while the parent company is accountable for these acts by virtue of unified decision-making.

3.4.3 Exemptions under Article (9) of the Decree-Law

Complainants should be aware that certain practices or agreements, although they may appear restrictive of competition at first sight, may in fact be covered by a formal exemption pursuant to Article (9) of Federal Decree-Law No. (36) of 2023 on the Regulation of Competition.

The legislator has permitted the Ministry, by a reasoned decision of the Minister or his delegate, to grant specific exemptions for agreements or practices where the concerned undertakings can demonstrate that they are necessary to achieve legitimate objectives, such as promoting economic development, improving efficiency, developing systems of production or distribution, or delivering direct benefits to consumers. Such exemptions are conditional on the requirement that they must not impose restrictions beyond what is strictly necessary to achieve those objectives, and must not result in the complete elimination of competition in the relevant market. Exemptions are granted through written, reasoned decisions, which may be subject to specific conditions or obligations imposed on the undertakings to ensure that competition is not harmed. The Ministry also retains the authority to periodically review or revoke an exemption if its justifications cease to exist, if the undertakings fail to comply with the prescribed obligations, or if it is established that misleading or incorrect information was provided.

Accordingly, practices or agreements that have been granted a valid exemption are not deemed to constitute infringements and cannot be the subject of competition complaints. Complainants are therefore advised to ascertain whether the conduct in question is already subject to an exemption before submitting a complaint.

3.5 Date of the Anti-Competitive Practices

The complaint must include precise details regarding the date on which the alleged anti-competitive practices occurred and whether such practices are ongoing. This information is crucial for evaluating the complaint, determining its admissibility, and deciding whether to open an investigation. It is important to recall the statute of limitations for complaints, as provided in Article (37) of the Decree-Law, under the heading “Lapse of Complaints”:

- Complaints relating to anti-competitive practices lapse five (5) years from the date of their occurrence, except for practices whose harmful effects on competition have continued for more than five (5) years.

Accordingly, the complainant must specify the date of the alleged practices, as this helps determine the starting point of the statute of limitations. The complainant must also ensure, before submitting the complaint, that no more than five (5) years have elapsed since the practices occurred. If the complaint shows that the alleged practices occurred more than five (5) years prior, it will be deemed time-barred. A complaint is only admissible if the complainant demonstrates that the practices are ongoing and continue to produce anti-competitive effects or are likely to harm the market and its proper functioning.

3.6 Sector or Market Subject to the Alleged Practices

Anti-competitive practices and alleged violations of the law cannot be raised without specifying the economic sector or market in which the practices occurred.

At this stage, the complainant should, at least initially, provide the following information:

- Identification of the market in which the violations occurred;
- Determination of supply and demand;
- Description of the market in terms of:
 - The establishments operating within it and their number;
 - The products or services provided by the relevant establishments, particularly the respondent establishment(s);
 - Potential alternative products or services to those subject to the dispute or alleged practices;
 - Technical characteristics of the products or services in the market or their alternatives;
 - Sale prices of products or services across different economic establishments in the market, including the respondent establishment(s);
 - Sales value or market shares of different actors in the market, including the respondent establishment(s);
 - Geographic areas in which the relevant establishments operate;
 - Geographic locations of customers or the general consumer base for the disputed products or services;

- Barriers to entry or exit from the market.

It is worth noting that the above data may vary depending on the nature of the alleged practice, such as restrictive agreements, predatory pricing, or anti-competitive conduct like abuse of a dominant position or economic dependency.

Example (1)

Company (A) submitted a complaint to the Ministry of Economy & Tourism against Company (B) alleging abuse of its dominant position in the market, consisting of its complete or partial refusal to deal with Company (A) under the usual commercial terms, thereby hindering Company (A)'s market entry. In order to examine and investigate the alleged abuse, it must be established that Company (B) holds a dominant position in the relevant market. In such a case, Company (A) must specify the relevant market or, at a minimum, provide sufficient details to help identify the market in which the respondent holds a dominant position.

3.7 Geographic Scope and Verifying Geographic Jurisdiction

The complainant must verify the appropriate authority to which the complaint should be submitted. It is worth noting that, under the new provisions of the Decree-Law on Competition Regulation, three authorities may have jurisdiction to consider complaints related to anti-competitive practices, as follows:

- The Competition Department at the Ministry of Economy & Tourism;
- The Economic Development Departments in each Emirate, subject to the conditions and rules of jurisdiction set out in Article (21) of the Decree-Law;
- Sectoral regulatory authorities, in the following two scenarios:
 - Sectoral regulatory authorities that do not have a dedicated framework for competition rules, in accordance with the conditions and jurisdictional rules provided in Article (22) of the Decree-Law;

- Sectoral regulatory authorities that do have a system governing competition rules.

4. Means of Evidence and Supporting Data for the Complaint

Evidence regarding the validity of the practices forming the subject of a complaint is a fundamental element and constitutes a core requirement for the complaint's acceptance. Without such evidence, it may be difficult to authorize the opening of an investigation into the alleged violations. Complaints lacking evidentiary support for the alleged practices and violations are subject to rejection and may be deemed non-meritorious.

4.1 Burden of Proof

In disputes concerning anti-competitive practices, the burden of proof primarily rests on the party alleging the existence of violations committed by the economic entity or entities, in accordance with the general legal principle that the burden of proof lies with the claimant. Accordingly, the complainant must provide evidence to substantiate its claims sufficiently to convince the competition authority of their validity at an initial stage, establishing a reasonable and serious basis to justify opening an investigation. The complainant's obligation to provide all necessary evidence is an obligation to achieve results, with no exceptions.

However, once a complaint is accepted, the competition authority may, in its investigative and fact-finding role, issue orders to various parties to collect information and data that may serve as additional evidence—not necessarily to confirm the complainant's allegations but to demonstrate that the practices in question have caused or could cause harm to the market, disrupt its balance, and affect the general economic order. The investigative role of the competition authority falls within its duty to protect the public economic interest, being primarily responsible for safeguarding market integrity and maintaining its balance, utilizing its legal powers to prevent acts and practices that contravene free competition.

Therefore, the competition authority does not bear the burden of proving the alleged practices. The complainant must include, at least, preliminary evidence in the complaint to ensure its acceptance and authorize the opening of an investigation. Assigning the burden of proof to the

complainant, even partially, is also practically important to filter out non-meritorious complaints against economic entities, thereby upholding legal certainty for these entities and their economic activities.

4.2 Types of Evidence and Proof That May Be Provided

4.2.1 Physical (Direct) Evidence

Physical or direct evidence is the most critical, as it constitutes strong proof supporting allegations of the practices and violations. Complainants are advised to provide all available physical evidence, including but not limited to:

- Written agreements, contracts, and transactions;
- Minutes of periodic, annual, or ad hoc company meetings;
- Written or electronic correspondence issued by or exchanged between the respondent entities;
- Correspondence sent from the respondent entities to their clients;
- Circulars issued by the economic entities regarding a sector or economic activity;
- Price lists for products or services;
- Various sales or purchase invoices;
- Price lists for products or services for different clients;
- Data on quantities of goods produced or services rendered during specific periods;
- Inventory data of the respondent entities;
- Data on imported goods or services;
- Tender requests and submitted bids;
- Technical and financial bid data of tender participants;
- Data on production, distribution, or supply costs of a product or service;
- Financial statements of the respondent entities;
- Electronic communications via landline or mobile;
- Videos and audio recordings, once verified for authenticity;
- Expert reports on specific damages conducted by accredited offices;
- Official documents issued by notaries;

- Field inspections of activities, products, or services carried out officially;
- Operational or procedural manuals for production, promotion, distribution, or service provision;
- Civil or criminal judgments previously issued against the respondent entities for economic violations or similar practices;
- Market studies and specialized economic research related to the respondent entities;
- Surveys regarding the activities of the respondent entities or the products/services in question, conducted by recognized market research offices domestically or internationally.

In general, all available physical means that can, even preliminarily, support the allegations sufficiently should be provided.

4.2.2 Non-Physical Evidence

In addition to documented practices, competition law also prohibits unwritten or implicit practices. Economic entities may engage in anti-competitive agreements, unilateral decisions, or actions that undermine free competition without leaving tangible evidence. In such cases, the complainant should seek to provide at least a minimum of supporting evidence or all relevant indicators that substantiate the claims and assist the competition authority in its investigative process. These indicators must meet certain conditions, including logical coherence, frequency, and cumulative consistency, sufficient to allow an inference regarding the validity of the alleged practices. Preliminary indicators are important for the competition authority, as they may later be substantiated through investigative and fact-finding procedures, enabling expansion of the complaint's scope, reclassification of the facts, and authorization of all investigative means necessary to ensure market integrity.

The complainant is not required to provide a formal analysis unless specifically requested but must provide all materials supporting the allegations concerning the respondent entities' practices to avoid dismissal for lack of necessary complaint elements or non-meritorious status. In all cases, no complaint lacking supporting evidence—either through physical evidence or logical indicators as described—will be accepted or allowed to proceed to investigation.

5. Determining Actual or Potential Harm Resulting from the Alleged Practices

It is important to note that establishing the existence of a violation of competition rules is, in itself, sufficient to constitute harm to competition. Any obstruction to market entry or exit, or exclusion of current or potential competitors due to anti-competitive practices, is inherently considered damage to competition and to the general economic system that the Ministry of Economy & Tourism seeks to protect. Similarly, including clauses in contracts or agreements that contravene free competition or cause harm to it constitutes harm to competition in substance and harm to the public economic interest. However, if these practices also result in material or financial damage to the complainant, this can further strengthen the complaint and substantiate the claims therein, enhancing the complainant's justification for submitting the complaint to the Ministry.

The complainant should provide a clear and detailed explanation demonstrating that the alleged practice(s) either restrict free competition or have a negative effect on it, ultimately harming its economic interests as well as the broader market's economic interests. It is also useful to establish a causal link between the practice and its actual or potential effect on competition.

1 Actual and Direct Effect

The complainant must show that the alleged practice directly hindered its market entry or exit, or excluded it from the market. This effect may lead to quantifiable or qualitative material damage to the complainant.

Example (1)

Company (A) files a complaint against competitor Company (B) in the digital services sector for abusing its dominant market position by including contract clauses that grant exclusive commercial and financial advantages to customers dealing solely with it. This practice directly harmed the relevant market by limiting competition between Company (A), Company (B), and other similar market participants, thereby preventing customers

from dealing with anyone other than Company (B) and causing significant financial losses to Company (A).

Example (2)

Company (A), a client of Company (B), the sole and exclusive distributor in the country for competing products, files a complaint with the Ministry of Economy & Tourism alleging that Company (B) abused its economic dependency position by terminating its commercial relationship with Company (A) for refusing to comply with unfair terms. This practice obstructed market competition, excluded Company (A), and caused severe financial losses due to the interruption of its activities and lack of alternative distribution solutions.

2 Potential Effect

The complainant may also demonstrate that the alleged practice could potentially lead to exclusion or restriction of future competition.

Example (1)

Company (A), a client of Company (B) operating under an exclusive relationship, files a complaint alleging that the exclusive terms imposed by Company (B) prevented it from choosing alternative suppliers offering better prices or quality. This restriction directly harmed its economic and financial interests and hindered potential competition and sector development by limiting the activity of other market participants.

3 Determining Harm

There is no exhaustive list for identifying economic, commercial, financial, or other damages. Priority should be given to assessing harm to the market, namely general economic or objective damage. Damage experienced by the complainant reinforces and substantiates the complaint, supporting the opening of an investigation into the respondent entity and assessing whether the alleged practices constitute anti-competitive behavior under the relevant provisions of the decree-

law. Acts and practices covered under Articles (5), (6), (7), and (8) of the decree-law are considered harmful to the economic interest of the market, the state, and consumers.

6. Final Requests

The complainant must clearly define the final requests of the complaint and the purpose of submitting them, as the final requests are a condition for the validity and acceptance of the complaint. For guidance, this section clarifies what must be included in the final requests and what should be avoided.

6.1 Final Requests Essentials

When specifying the final requests of a complaint submitted to the Ministry of Economy & Tourism as the competition authority, it is necessary to indicate that the request primarily concerns obtaining authorization to open an investigation into:

1. The allegations stated and included in the complaint. Any discrepancy between the allegations and the content of the final requests may render the complaint subject to rejection.
2. Practices committed in violation of the provisions of the decree-law and not under other legal provisions.
3. Practices that fall within the jurisdiction of the competition authority.

6.2 What Must Be Avoided

The final requests must not include:

- Other practices that do not constitute anti-competitive behavior or practices not covered by the decree-law.
- Claims for financial compensation for damages that may have been incurred as a result of the alleged practices.

It should be emphasized that the Ministry of Economy & Tourism, as a competition authority, is an administrative investigative body, not a judicial authority. The investigation concludes, in case of a finding of infringement, with the imposition of administrative fines by the Minister on violators, or judicial penalties imposed by the competent court following referral. The imposed fines are objective in nature and relate to the existence of a legal violation that harmed the public

economic interest of the state, disrupted normal market operations based on supply and demand, harmed consumer interests, or all of these collectively, regardless of any damage incurred by the complainant. Additionally, the complainant may indicate whether a similar complaint has been submitted to other governmental or judicial authorities concurrently with, or prior to, the current complaint.

6.3 Essential Formalities

The complainant must observe the following formalities when drafting the complaint:

- List all attachments and supporting documents, organizing and numbering them according to their importance and order of appearance in the complaint.
- Clearly state the name of the complainant, whether acting directly or through a legal representative.
- Include the signature of the complainant, and if the complainant is an economic entity, it may be accompanied by the entity's official seal.
- Include the date of submission, specifying day, month, and year in accordance with applicable procedures.
- Attach a copy of the receipt for the complaint submission fee.

7. Administrative Guidelines

7.1 Complainant

A complaint concerning anti-competitive practices may be submitted either directly by the concerned complainant or through a legal representative.

- If submitted through a representative or legal agent, the power of attorney must be duly authenticated according to legal procedures.
- The original power of attorney must be submitted to the Ministry of Economy & Tourism to be included in the complaint file.

7.2 Submission Method

- The complaint and its supporting documents may be submitted in **hard copy**, either directly by the complainant or their legal representative, to the **Competition Department at the Ministry of Economy & Tourism** or sent to the following mailing address:

Competition Department - Ministry of Economy & Tourism - Central Park Towers Offices - 36th Floor - Sheikh Zayed Rd, DIFC, DUBAI -P.O Box 3625 - UAE.

- To simplify the process, the complainant or their legal representative may **initially submit the complaint and supporting documents electronically** via email to: competitiondepartment@economy.ae.
- The hard copy version must subsequently be submitted within the deadlines specified by the Competition Department.

7.3 Language

The complaint and attached documents must be submitted **in Arabic or English**, both in a hard copy and an electronic version. Documents should be submitted in their **original language**, accompanied by a translation into Arabic or English if the original language is different.

7.4 Confidentiality of Supporting Materials

Complaints and supporting documents are treated as **confidential** as per Article (19) of the Decree-Law if the complainant considers them sensitive. The complainant must clearly mark the entire file, or specific sections, as “**Confidential**”. Examples of confidential materials may include:

- Private information of the complainant or the alleged infringer.
- Financial data or economic reports of the complainant or competitors.
- Written or electronic communications obtained from the alleged infringer in confidence.
- Transaction numbers or market share data not publicly disclosed.

The complainant may provide **non-confidential summaries** of such materials, sufficient to convey the content of the confidential data, marked as “**Non-Confidential**”. These summaries may be shared with third parties, such as the alleged infringer, governmental authorities, or other parties involved during the investigation process.

8. Post-Submission

It is important for the complainant to understand the procedures following the submission of a complaint. Submission and filing with the **Competition Department at the Ministry of Economy & Tourism** does not automatically mean acceptance. The Department initially examines the complaint, and the complainant retains the right to withdraw it at any stage and abandon pursuing the alleged infringing entities.

8.1 Initial Review and Notification to the Complainant

Upon receipt of a complaint concerning anti-competitive practices, the Competition Department reviews it to determine whether it meets the **formal and substantive requirements** outlined in this guide. Formal and substantive requirements refer to all procedural and content-related conditions described in this guide, which must be satisfied for the complaint to be accepted **formally**. Formal acceptance does not constitute final approval. The Department will also review the complaint **substantively** to assess whether the evidence provided sufficiently supports the seriousness or gravity of the alleged practices. This review may result in two scenarios:

8.2 Complaint Meets All Formal and Substantive Requirements

If the Department determines that the complaint satisfies all requirements and the allegations are serious enough to justify an investigation. The complainant is notified of the acceptance of the complaint and the initiation of the investigation. Notification is sent **in writing** to the complainant or their legal representative and via **email** to both parties. After notification, the complainant must respond to the Department's requests during the investigation, including providing additional data or documents or attending meetings to present their statements.

8.3 Complaint Does Not Meet Formal or Substantive Requirements

This may lead to two outcomes:

8.3.1 Request to Complete the Complaint File

If the complaint is incomplete, the complainant must comply with the Department's requests to **complete missing formal or substantive elements**. The Department sets a deadline, typically **15 working days** from the request, to allow completion. Examples of missing elements:

8.3.1.1 Formal Deficiencies

These refer to deficiencies related to the various formal requirements set forth in the Decree-Law and its Executive Regulations, as well as those outlined in this Guide, which may include the following:

- Failure to use the complaint form provided by the Department.
- Missing basic data or details about the parties.
- Not specifying the purpose of submitting the complaint.
- Not identifying the complainant or legal representative.
- Failure to provide the original or authenticated power of attorney.
- Submission without supporting evidence.
- Missing signature or date.
- Incomplete documentation relative to the complaint's content.
- Non-payment of filing fees.
- Failure to follow submission guidelines as outlined in this guide.

8.3.1.2 Substantive Deficiencies

By substantive deficiencies is meant those deficiencies that are directly related to the essence of the complaint and its main subject matter on which the complaint was filed. Substantive deficiencies may include, but are not limited to, the following

- Complaint lacks factual grounds for filing against the alleged infringer.
- No specification of anti-competitive practices or their impact on the complainant or competition.
- Absence of information regarding the market, sector, products, or services involved.
- No identification of the geographic scope of the alleged practices.
- Submitted evidence does not correspond to the claims.

- The Department may extend deadlines if additional time is needed to obtain or submit required data.
- Once the complainant provides the missing elements within the set deadline, the Department notifies them of the complaint's acceptance.

8.3.2 Rejection of the Complaint

The complaint may be rejected in the following cases:

- The complainant fails to complete the complaint file within the specified period.
- Evidence and supporting documents do not sufficiently substantiate the allegations.
- Alleged practices fall outside the scope of competition law.
- The complaint is outside the jurisdiction of the Ministry of Economy & Tourism and should be referred to **local authorities or sectoral regulatory bodies**.

In such cases, the Ministry issues a formal notification to the complainant **rejecting the complaint**.

8.4 Right to Grievance and Appeal

Complainants should note that decisions issued by the Ministry or the competent authority in respect of competition complaints – including decisions to reject or dismiss a complaint – are not final. Pursuant to Article (34) of the Decree-Law, a complainant has the right to:

- Submit a written grievance to the Minister (or the head of the competent authority, as applicable) within the prescribed time limits; and
- Appeal to the competent court if the grievance is rejected or if no response is provided within the statutory period.

This ensures that complainants retain full legal recourse and that administrative decisions remain subject to judicial oversight.

9. Complaint Withdrawal

The complainant may withdraw the complaint submitted to the Ministry of Economy & Tourism . This possibility constitutes a procedural counterpart to the right granted by law to any interested party to file a complaint concerning anti-competitive practices. The withdrawal procedure is subject to formal and substantive conditions.

9.1 Formal Conditions

If the complainant decides to withdraw their complaint and cease pursuing the alleged practices against the respondent, they must submit a written request to the Competition Department expressing their intention to discontinue the follow-up and withdraw the complaint. This request must be duly signed, either by the complainant directly or by their legal representative under a power of attorney duly certified according to legal requirements. The request may be submitted to the Ministry of Economy & Tourism by any of the following means, at the discretion of the applicant:

- Directly, by delivering it to the employees of the Competition Department at the Ministry.
- By mail to the following address:

Competition Department - Ministry of Economy & Tourism - Central Park Towers Offices - 36th Floor - Sheikh Zayed Rd, DIFC, DUBAI -P.O Box 3625 - UAE.

- By email to the Competition Department: competitiondepartment@economy.ae

Regarding the content of this request, the applicant must clearly and explicitly express their intention to withdraw the complaint. These elements of clarity and explicitness require that the request be substantiated with reasons.

9.2 Substantive Conditions

It is advisable that the complainant be aware that the formal submission of a withdrawal request does not necessarily imply its substantive acceptance by the Competition Department. Certain substantive conditions must be taken into account in this regard. It should be noted that disputes concerning anti-competitive practices are inherently substantive and primarily aim to preserve and protect the public economic order, including the economic interests of the State, the economic

interests of the market, and consumer interests. Accordingly, insofar as the complaint concerns public interest, the complainant's acknowledgment to withdraw their complaint and cease pursuing the respondent does not restrict the Competition Department from taking action if, after the filing of the complaint, there are indications or evidence suggesting the existence of anti-competitive practices, or even suspected practices that may violate the rules of fair competition or disrupt the overall balance of the market and the proper functioning of its mechanisms.

Accordingly, the Ministry of Economy & Tourism, as the competition authority, may, if no strong indications or evidence of risks to competition exist, decide not to continue investigating the complaint and issue the following notifications:

- A notice to the complainant acknowledging the acceptance of the withdrawal of their complaint.
- A notice to the respondent informing them of the complainant's withdrawal of the complaint and the cessation of follow-up.