

Ministerial Decision No. (32) of 2026

On the Block Exemption of Exclusive Dealing Agreements in the Market for Food Promotion and Delivery Services through Digital Platforms

The Minister of Economy and Tourism,

- Pursuant to Federal Law No. (1) of 1972 on the Competences of Ministries and the Powers of Ministers, and its amendments;
- Federal Decree-Law No. (32) of 2021 on Commercial Companies;
- Federal Decree-Law No. (14) of 2023 Concerning Trade through Modern Technological Means;
- Federal Decree-Law No. (36) of 2023 Regulating Competition;
- Cabinet Decision No. (37) of 2014 issuing the Implementing Regulation of Federal Law No. (4) of 2012 Regulating Competition;
- Following coordination with the concerned authorities in the State, and in furtherance of public economic interest, with the aim of limiting certain anti-competitive practices currently observed in the market for the provision of food promotion and delivery services through digital platforms;
- Based on the proposal of the Undersecretary of the Ministry;

Has issued the following:

Article (1)

Definitions

The definitions set forth in Federal Decree-Law No. (36) of 2023 Regulating Competition (the “Decree-Law”) shall apply to this Decision, unless the context requires otherwise.

Article (2)

Scope of Application

The provisions of this Decision shall apply to all Undertakings engaged in the activity of providing food promotion and delivery services through digital platforms within the State.

Article (3)

Block Exemption of Exclusive Dealing Agreements

Pursuant to Article (11) of the Decree-Law, agreements and contracts containing exclusive dealing conditions between Undertakings operating digital platforms and restaurants shall be exempted from the provisions of Articles (5), (6), and (7) of the Decree-Law, subject to the following conditions:

- A. The agreement shall be concluded by the free will of both parties and shall not involve any coercion, retaliatory measures, or the imposition of penalties where the restaurant elects to deal with other digital platforms active in the market.
- B. The duration of the exclusive dealing obligation shall not exceed twelve (12) months from the date of entry into force of this Decision.
- C. The number of restaurants contracted on an exclusive basis shall not exceed (10%) of the total number of merchants listed on the platform.
- D. The exclusive agreement shall not prevent the restaurant from partnering with emerging digital platforms or other delivery platforms classified as Small and Medium Enterprises in accordance with Cabinet Decision No. (22) of 2016 on the Unified Definition of Small and Medium Enterprises.
- E. Where a digital platform grants a reduction in commission during the exclusivity period, it shall, upon request by the Ministry or the Relevant Authority, demonstrate either:
 - 1. Substantial reductions in operational costs directly resulting from the exclusive arrangement; or
 - 2. The realization of tangible added value resulting from such arrangement.The evidence submitted shall be verifiable and auditable.
- F. It shall be prohibited to include any clause preventing the restaurant from joining competing digital platforms upon expiry of the exclusivity period set out in Article (3/B) of this Decision.

Article (4)

Administrative Penalties and Legal Measures

Without prejudice to Articles (23) and (24) of the Decree-Law, where any Undertaking engaged in the activity of providing food promotion and delivery services through digital platforms within the State violates the provisions of this Decision or fails to comply with its conditions, the Ministry or the Relevant Authority, as the case may be, shall take the necessary legal measures, including the imposition of administrative penalties in accordance with Article (23) of the Decree-Law or referral to the competent court, where required, in accordance with Article (24) of the Decree-Law.

Article (5)

Duration

This exemption shall be valid for twelve (12) months from the date of entry into force of this Decision and may not be renewed except by a new Ministerial Decision.

Article (6)

Publication and Entry into Force

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

Abdullah bin Touq Al Marri

Minister of Economy and Tourism

Issued on: 11 / 02 / 2026