

## **Federal Decree-Law No. (36) of 2023**

### **On the Regulation of Competition**

We, Mohamed bin Zayed Al Nahyan, President of the United Arab Emirates,

Having reviewed the Constitution,

And Federal Law No. (1) of 1972 Concerning the Competencies of Ministries and Powers of Ministers, and its amendments,

And Federal Law No. (4) of 2012 on the Regulation of Competition,

And based on the proposal of the Minister of Economy, and the approval of the Cabinet,

We have issued the following Decree-Law:

### **Article (1)**

#### **Definitions**

For the purposes of this Decree-Law, the following words and phrases shall have the meanings assigned to them below, unless the context otherwise requires:

**State:** The United Arab Emirates.

**Ministry:** The Ministry of Economy.

**Minister:** The Minister of Economy.

**Competent Authority:** The competent local authority.

**Sectoral Regulatory Bodies:** The federal entities authorized by their organizing legislations to regulate, monitor, or supervise a specific economic sector in the State.

**Competition:** The practice of economic activities according to market mechanisms without any influence or restriction on those mechanisms that would have adverse effects on trade, development, and consumer interests.

**Relevant Market:** A market based on two elements:

**Relevant Products:** Comprising all goods or services, or a group of goods or services, which are interchangeable based on their price, characteristics, and uses to meet a specific consumer need.

**Relevant Geographic Scope:** The physical or digital place where supply and demand for a product or service meet, and where the conditions of competition are similar or homogeneous.

**Economic Activity:** Any activity primarily related to the production, distribution, or provision of products, goods, or services in the State.

**Establishment:** Any person engaged in an economic activity, or a person associated with them, or any grouping of such persons, regardless of its legal form, including the head office of the establishment or branches of its representative office.

**Agreements:** Agreements, arrangements, alliances, or practices between two or more establishments, or any cooperation between establishments or decisions issued by associations of establishments, whether written or oral, explicit or implicit, public or secret.

**Dominant Position:** A situation that enables any establishment, by itself or in conjunction with other establishments, to control or influence the relevant market.

**Economic Concentration:** Any act resulting in the total or partial transfer (merger or acquisition) of ownership or usufruct rights in properties, rights, shares, stocks, or obligations of an establishment to another, which would enable an establishment or a group of establishments to directly or indirectly control another establishment or group of establishments.

**Committee:** The Competition Regulation Committee in accordance with the provisions of this Decree-Law.

## **Article (2)**

### **Objectives of the Decree-Law**

This Decree-Law aims to protect and promote competition and combat monopolistic practices through the following:

1. Providing a stimulating environment for establishments to enhance efficiency, competitiveness, and consumer interest, and to achieve sustainable development in the State.

2. Maintaining a competitive market governed by market mechanisms in line with the principle of economic freedom by prohibiting agreements, and prohibiting actions and behaviors that lead to the abuse of a dominant position, monitoring economic concentration operations, and avoiding everything that would distort, limit, prevent, or restrict competition.

## **Article (3)**

### **Scope of Application**

The provisions of this Decree-Law shall apply to all establishments with respect to their economic activities in the State and to the exploitation of intellectual property rights inside and outside the State. They shall also apply to economic activities practiced outside the State that affect competition within the State.

## **Article (4)**

### **Exemptions**

The following shall be exempt from the application of the provisions of this Decree-Law:

1. Any agreement, practice, or act related to a specific commodity or service for which another law, containing provisions for regulating the rules and procedures for addressing anti-competitive practices, their exemption cases, and economic concentration operations, grants the authority to regulate its specific competition rules to a sectoral regulatory body, unless the sectoral regulatory body requests in writing that the Ministry handle this matter fully or partially, and the Ministry agrees.
2. Establishments owned by the Federal Government, which are specified by a Cabinet decision based on the Minister's proposal and after coordination with the Competent Authority.
3. Establishments owned by one of the Emirates' governments and operating within that Emirate, which are specified by a decision of the local government.

## **Article (5)**

### **Restrictive Agreements**

1. Agreements between establishments are prohibited if their object, purpose, or effect is to distort, limit, prevent, or restrict competition, and which lead to:
  - a. Directly or indirectly fixing the prices of buying or selling goods and services by contriving increases, decreases, or stabilization, contrary to the market price, in a way that adversely affects competition.
  - b. Fixing the terms of sale, purchase, or service provision, and the like.
  - c. Colluding in bids or offers in auctions, tenders, practices, and other supply offers.
  - d. Freezing or limiting production, development, distribution, marketing, or other economic activities.
  - e. Colluding to refuse to purchase from a specific establishment or establishments, or to sell or supply to a specific establishment or establishments, and to prevent or hinder them from carrying out their activities.
  - f. Restricting the free flow of goods and services to or from the relevant market, including hiding them, storing them without justification, refusing to deal in them, or creating a sudden abundance that leads to them being traded at a non-genuine price.
2. Subject to the provisions of Federal Decree-Law No. (3) of 2022 on the Regulation of Commercial Agencies, and any other law that replaces it, agreements between establishments are prohibited if they would distort, limit, or prevent competition, especially those aimed at:
  - a. Dividing markets or allocating customers based on geographic areas, distribution centers, customer types, seasons, time periods, or any other basis that adversely affects competition.
  - b. Taking measures to hinder the entry of establishments into the market or to exclude them from it, or to obstruct joining existing agreements or alliances.

## **Article (6)**

### **Abuse of a Dominant Position**

1. Any establishment, by itself or in conjunction with other establishments holding a dominant position in the relevant market or a substantial and influential part of it, is prohibited from engaging in any acts or behaviors that, in object or effect, lead to the abuse of this position to distort, limit, restrict, or prevent competition, including the following:
  - a. Directly or indirectly imposing resale prices or conditions for goods or services.
  - b. Selling a good or providing a service at a price below its actual cost with the aim of hindering the entry of competing establishments into the relevant market, excluding them from it, or exposing them to losses that make it difficult to continue their activities.
  - c. Unjustifiably discriminating between customers in similar contracts regarding prices, quality of goods and services, or the terms of their sale or purchase contracts.
  - d. Forcing a customer not to deal with a competing establishment.
  - e. Partially or totally refusing to deal under usual commercial terms without any justification or objective reason.
  - f. Unjustifiably refusing to deal in goods and services by sale or purchase, or limiting or obstructing such dealing, thereby leading to the imposition of a non-genuine price for it.
  - g. Making the conclusion of a contract or agreement for the sale or purchase of goods or services conditional on accepting obligations to deal with other goods or services that are not, by their nature or by commercial usage, related to the subject of the original transaction or agreement.
  - h. Disseminating false information about products or their prices with knowledge thereof.
  - i. Reducing or increasing the available quantities of a product, leading to a contrived shortage or non-genuine surplus of the commodity.
  - j. Controlling or limiting production processes, markets, or technological development.

- k. An establishment unjustifiably preventing or hindering other establishments from accessing its private networks, facilities, or any physical or digital infrastructure it owns or operates, if it is the only, essential, and economically feasible solution for conducting the economic activity or entering the relevant market.
- 2. The dominant position referred to in Clause (1) of this Article is established in any of the following cases:
  - a. When the share of any establishment, by itself or in conjunction with other establishments in the relevant market, exceeds the percentage determined by the Cabinet from the total transactions in the relevant market.
  - b. The ability to exert influence that would cause harm in the relevant market, as detailed in the Executive Regulation of this Decree-Law.

## **Article (7)**

### **Abuse of a Position of Economic Dependency**

Any establishment is prohibited from engaging, without any justification, in any acts or behaviors that lead to the abuse of a position of economic dependency in which a customer finds themselves, who has no alternative solutions for marketing or supply, especially those whose object or purpose is the following:

- 1. Directly or indirectly imposing resale prices or conditions for goods or services.
- 2. Unjustifiably discriminating between customers in similar contracts regarding prices, quality of goods and services, or the terms of their sale or purchase contracts.
- 3. Forcing a customer not to deal with a competing establishment.
- 4. Partially or totally refusing to deal under usual commercial terms without any justification or objective reason.
- 5. Unjustifiably refusing to deal in goods and services by sale or purchase, or limiting or obstructing such dealing, thereby leading to the imposition of a non-genuine price for it.
- 6. Making the conclusion of a contract or agreement for the sale or purchase of goods or services conditional on accepting obligations to

deal with other goods or services that are not, by their nature or by commercial usage, related to the subject of the original transaction or agreement.

7. Controlling or limiting production processes, markets, or technological development.

## **Article (8)**

### **Prohibition of Offering Excessively Low Prices**

1. It is prohibited to offer prices or apply selling prices to consumers that are excessively low relative to the costs of production, conversion, and marketing, when the purpose thereof, or what may result therefrom, is to exclude an establishment or one of its products from the relevant market or to prevent that establishment or one of its products from entering the relevant market, in accordance with the controls specified by the Executive Regulation of this Decree-Law.
2. Excluded from the provisions of Clause (1) of this Article are general price reductions as stated in Federal Law No. (15) of 2020 on Consumer Protection and its amendments and Executive Regulation, or any other law that replaces it, or the liquidation of commercial stores.
3. The Cabinet may, based on the Minister's proposal, exempt any price offers or the practice of selling prices to consumers that are excessively low, according to the requirements of the economic situation.

## **Article (9)**

### **Exemptions**

1. Agreements or practices may be exempted from the application of the provisions of Articles (5), (6), (7), and (8) of this Decree-Law, if the concerned establishments prove they are necessary to promote economic development, improve the performance and competitiveness of establishments, develop production or

distribution systems, or achieve certain benefits for the consumer, provided they do not lead to:

- a. Imposing restrictions or constraints that exceed what is necessary to achieve the objectives mentioned in Clause (1) of this Article.
- b. The complete elimination of competition in the relevant market or a significant part thereof.

2. The concerned establishments must notify the Ministry of the agreements or practices referred to in Clause (1) of this Article, using the form prepared for this purpose, and attach the documents specified by the Executive Regulation of this Decree-Law.
3. The exemption referred to in Clause (1) of this Article shall be granted by a reasoned decision from the Minister or his delegate, based on the Committee's recommendation, and in accordance with Article (10) of this Decree-Law.
4. The concerned establishments must notify the Ministry of any proposed amendment to the agreements or practices referred to in Clause (1) of this Article, for which an exemption has already been granted, within (30) thirty days from the date of preparing the proposal.
5. The Executive Regulation of this Decree-Law shall specify the controls for notifications and the documents to be attached to the application for granting an exemption or a proposed amendment.

## **Article (10)**

### **Minister's Decision on Exemption**

1. The Minister or his delegate shall issue his decision referred to in Clause (1) of Article (9) of this Decree-Law within (90) ninety days, which may be extended for another (45) forty-five days from the date of receiving the notification complete with the required conditions and documents. The failure to issue a decision by the Minister within this period shall be considered a rejection of these agreements or practices.
2. Upon completion of the formal examination of the application and its supporting data and documents, the Ministry shall issue a notice of completion of the formal requirements of the application.

3. The Ministry shall examine the application to assess compliance with the conditions stated in Clauses (1) and (2) of Article (9) of this Decree-Law.
4. The Minister or his delegate may specify the duration of the exemption issued under this Article or subject it to periodic review.
5. The Minister or his delegate may issue a reasoned decision regarding the notifications submitted in accordance with the provisions of Article (9) of this Decree-Law, as follows:
  - a. Approve or reject the implementation of the agreements or practices and their amendments.
  - b. Approve the implementation of the agreements or practices and their amendments, provided that the concerned establishments undertake to implement the conditions and obligations specified by the Minister or his delegate for this purpose.
6. The Minister or his delegate shall issue a decision to revoke the approval of the exemption in any of the following cases:
  - a. If it becomes apparent that the circumstances and reasons on which the approval was based no longer exist.
  - b. If the concerned establishments fail to comply with the conditions and requirements on the basis of which the approval was granted.
  - c. If it is found that the information on which the approval was based was misleading or incorrect.

## **Article (11)**

### **Exemption of Categories of Contracts**

Categories of contracts and their related economic activities may be exempted from the application of the provisions of Articles (5), (6), (7), and (8) of this Decree-Law, if they are necessary to promote economic development, improve the performance and competitiveness of establishments, develop production or distribution systems, or achieve certain benefits for the consumer, provided they do not lead to the complete elimination of competition in the relevant market or a significant part thereof, by a decision from the Minister or his delegate in coordination with the Competent Authority.

## **Article (12)**

### **Conditions for Completing an Economic Concentration Process**

1. To complete economic concentration operations that would affect the level of competition in the relevant market, particularly by creating or strengthening a dominant position, the concerned establishments must submit an application to the Ministry at least (90) ninety days before their completion, using the form prepared for this purpose and attaching the required documents, if either of the following two conditions is met:
  - a. The total annual sales value of these establishments in the relevant market during the last fiscal year exceeds the amount determined by the Cabinet based on the Minister's proposal.
  - b. The total share of these establishments exceeds the percentage determined by the Cabinet of the total transactions in the relevant market during the last fiscal year.
2. The Executive Regulation of this Decree-Law shall specify the controls for the economic concentration application, the documents to be attached to it, and the mechanisms for its examination.

## **Article (13)**

### **Verification of the Economic Concentration Process**

1. The Ministry shall verify the economic concentration operations referred to in Article (12) of this Decree-Law in accordance with the procedures specified by the Executive Regulation of this Decree-Law.
2. The Minister or his delegate shall issue his decision referred to in Article (12) of this Decree-Law within (90) ninety days, which may be extended for another (45) forty-five days from the date of receiving the complete and compliant application. During this period, the concerned establishments must not take any actions or measures to complete the economic concentration operations. The failure to issue a decision by the Minister or his delegate within this period shall be considered a rejection of the economic concentration operations.
3. The concerned establishments may, on their own initiative, propose to take measures aimed at preventing the anti-competitive effects of the economic concentration process when submitting the application

or within a period not exceeding (30) thirty days from the date of receiving the complete and compliant application.

4. The Ministry may invite interested parties to express their views on the economic concentration process by publishing its basic information on the Ministry's website. The Executive Regulation of this Decree-Law shall specify the period and controls for requesting views from interested parties.
5. Any interested party has the right to submit any data or documents to the Ministry regarding the economic concentration process under consideration by the Ministry. The Executive Regulation of this Decree-Law shall specify the period and controls for submitting these data and documents.
6. Any interested party has the right to submit an objection to the Ministry regarding the economic concentration process under consideration by the Ministry. The Executive Regulation of this Decree-Law shall specify the period and controls for submitting this objection.
7. The Ministry may request any additional information or documents related to the economic concentration process.

## **Article (14)**

### **Suspension of Deadlines for Reviewing the Economic Concentration Process**

1. The deadlines for reviewing applications for approval of economic concentration operations provided for in Article (13) of this Decree-Law shall be interrupted in any of the following cases:
  - a. When the Ministry requests additional information from the concerned establishments to verify the economic concentration process as provided for in Clauses (4), (5), and (7) of Article (13) of this Decree-Law.
  - b. When the Ministry requests a technical opinion or additional information as provided for in Clause (2) of Article (19) and Clause (2) of Article (20) of this Decree-Law.
  - c. When there is an objection submitted by an interested party as provided for in Clause (6) of Article (13) of this Decree-Law.

2. The deadlines for reviewing the economic concentration process shall resume after the Ministry receives the data and information requested from the establishments or concerned authorities in accordance with Clause (1) of this Article.

## **Article (15)**

### **Deciding on Applications Related to the Economic Concentration Process**

1. The Minister or his delegate may issue a reasoned decision regarding economic concentration applications submitted in accordance with the provisions of Articles (12) and (13) of this Decree-Law, as follows:
  - a. Approve the economic concentration process if it does not adversely affect competition or has positive economic effects that outweigh any negative effects on competition.
  - b. Approve the economic concentration process, provided that the concerned establishments undertake to implement the conditions and obligations they have committed to or that the Minister specifies for this purpose.
  - c. Reject the economic concentration process.
  - d. The conditions stated in Article (12) of this Decree-Law do not apply to the economic concentration process.
2. The Minister or his delegate shall issue a decision to revoke the approval referred to in Clause (1) of this Article if one of the cases referred to in Clause (6) of Article (10) of this Decree-Law occurs.

## **Article (16)**

### **Competition Regulation Committee**

A committee called the "Competition Regulation Committee" shall be established under this Decree-Law, subordinate to the Minister. A Cabinet decision, based on the Minister's proposal, shall be issued for its formation and the determination of its working system.

## **Article (17)**

### **Competencies of the Competition Regulation Committee**

The Competition Regulation Committee shall be competent in the following:

1. Proposing the general policy for competition protection in the State and submitting it to the Minister to take the necessary actions.
2. Studying matters related to the implementation of the provisions of this Decree-Law and submitting recommendations thereon to the Minister.
3. Proposing legislation and procedures for competition protection and submitting them to the Minister.
4. Submitting recommendations to the Minister regarding the exemption of practices in accordance with the provisions of Articles (9) and (10) of this Decree-Law.
5. Preparing an annual report on the Committee's activities to be presented to the Minister.
6. Any other matters related to competition protection referred to it by the Minister, federal authorities, or competent authorities in the State.

## **Article (18)**

### **Competencies of the Ministry**

The Ministry shall undertake the following competencies related to competition affairs:

1. Implementing the competition policy in cooperation with the competent authorities in the State.
2. Coordinating with the competent authorities in the State to address any form of activities or practices that violate the provisions of this Decree-Law.
3. Preparing a register of notifications and complaints.
4. Investigating information and probing anti-competitive practices, and investigating them based on a complaint or on its own initiative, and addressing them in cooperation with the competent authorities, and

submitting recommendations to the Minister regarding the decisions to be taken in this regard for him to take appropriate action.

5. Receiving grievances against decisions issued by the Minister or his delegate pursuant to this Decree-Law and taking action thereon.
6. Conducting studies and collecting information and data related to competition in the markets and issuing reports thereon in cooperation with the competent authorities.
7. Any other tasks related to competition referred to it by the Cabinet.

## **Article (19)**

### **Obligations of Ministry Employees and Committee Members**

1. For the purposes of this Decree-Law, Ministry employees shall be obliged to:
  - a. Take sufficient measures to ensure the confidentiality of information that the Ministry reviews or is provided with by business institutions, the disclosure of which would cause serious harm to the commercial interests of business institutions or their owners, or conflict with the public interest.
  - b. Not disclose information reviewed by the Ministry except to the concerned parties or upon the request of the competent authorities.
2. The members of the Committee provided for in Article (16) of this Decree-Law shall be bound by the obligations of Ministry employees as stipulated in this Article.

## **Article (20)**

### **Request for Technical Opinion**

1. The Ministry may request a technical opinion from the competent authorities and sectoral regulatory bodies regarding the following:
  - a. Practices and acts falling under the provisions of this Decree-Law based on complaints submitted to it or through automatic investigation procedures.
  - b. Applications for exemption or economic concentration operations of the concerned establishments.

2. The competent authority or sectoral regulatory bodies, as the case may be, shall provide the Ministry with their views within one month from the date of receiving the request for a technical opinion in accordance with Clause (1) of this Article.
3. The Executive Regulation of this Decree-Law shall specify the controls for requesting a technical opinion from the competent authorities and sectoral regulatory bodies.

## **Article (21)**

### **Coordination between the Ministry and Competent Authorities**

1. The competent authority shall consider anti-competitive practices, related exemption applications, and applications for approval of economic concentration operations that would affect the state of competition and the general balance of the relevant market at the Emirate level, if the following two conditions are met:
  - a. The concerned establishments are located only in the same Emirate.
  - b. The impact of these practices does not extend beyond the borders of the Emirate.
2. Subject to Clause (1) of this Article, the competent authority shall inform the Ministry of its consideration of anti-competitive practices, related exemption applications, and applications for approval of economic concentration operations, and the Ministry may participate with the competent authority in considering them.
3. Subject to Clause (1) of this Article, the competent authority shall consider anti-competitive practices, related exemption applications, and applications for approval of economic concentration operations in accordance with the same procedures and requirements stipulated in this Decree-Law and its Executive Regulation, and it must inform the Ministry of any decision taken thereon.
4. The Executive Regulation of this Decree-Law shall specify the controls and procedures for the competent authorities to consider anti-competitive practices, related exemption applications, and applications for approval of economic concentration operations.

## **Article (22)**

### **Coordination between the Ministry and Sectoral Regulatory Bodies**

1. Sectoral regulatory bodies that do not have their own law or system for regulating competition rules may consider anti-competitive practices, related exemption applications, and applications for approval of economic concentration operations that would affect the state of competition and the general balance of the relevant sector, based on a written request to the Ministry to handle this matter and the Ministry's approval thereof, and the Ministry may participate with the sectoral regulatory body in considering them.
2. The sectoral regulatory body shall consider the case stipulated in Clause (1) of this Article in accordance with the same procedures and requirements stipulated in this Decree-Law and its Executive Regulation, and it must inform the Ministry of any decision taken thereon.
3. The Executive Regulation of this Decree-Law shall specify the controls for sectoral regulatory bodies to consider anti-competitive practices, related exemption applications, and applications for approval of economic concentration operations.

## **Article (23)**

### **Administrative Penalties**

The Cabinet shall issue a decision on the administrative penalties that the Ministry or the competent authority, as the case may be, may impose on an establishment for violating any provision of this Decree-Law, its Executive Regulation, or the decisions issued in implementation thereof.

### **Penalties**

## **Article (24)**

1. Anyone who violates the provisions of Articles (5), (6), (7), (8) and Clauses (2) and (4) of Article (9) of this Decree-Law shall be punished with a fine of not less than (100,000) one hundred thousand dirhams and not exceeding (10%) ten percent of the total annual sales

achieved by the violating establishment within the State during the last elapsed fiscal year.

2. If it is not possible to determine the total annual sales achieved by the violating establishment within the State during the last elapsed fiscal year, the penalty shall be a fine of not less than (500,000) five hundred thousand dirhams and not more than (5,000,000) five million dirhams.

### **Article (25)**

1. Anyone who violates the provisions of Article (12) of this Decree-Law shall be punished with a fine of not less than (2%) two percent and not more than (10%) ten percent of the total annual sales of goods or service revenues subject to the violation achieved by the violating establishment within the State during the last elapsed fiscal year.
2. If it is not possible to determine the total annual sales or revenues achieved by the violating establishment within the State during the last elapsed fiscal year, the penalty shall be a fine of not less than (500,000) five hundred thousand dirhams and not more than (5,000,000) five million dirhams.

### **Article (26)**

The concerned establishment that violates the provision of Clause (2) of Article (13) of this Decree-Law shall be punished with a fine of not less than (50,000) fifty thousand dirhams and not more than (500,000) five hundred thousand dirhams.

### **Article (27)**

Anyone who prevents the employees concerned with implementing the provisions of this Decree-Law from performing their assigned tasks in accordance with the powers vested in them under the provisions of this Decree-Law and its Executive Regulation, or withholds information and data that would aid the investigation, or provides misleading information and data, or destroys it, shall be punished with a fine of not less than (50,000) fifty thousand dirhams and not more than (500,000) five hundred thousand dirhams.

## **Article (28)**

Anyone who violates the provisions of Article (19) of this Decree-Law shall be punished with a fine of not less than (50,000) fifty thousand dirhams and not more than (200,000) two hundred thousand dirhams.

## **Article (29)**

The court, upon conviction, may order the closure of the establishment for a period of not less than (3) three months and not more than (6) six months. It may also order the publication of the operative part of its judgment once or more in at least two local daily newspapers at the expense of the violator.

## **Article (30)**

1. The imposition of the penalties stipulated in this Decree-Law shall not prejudice any more severe penalties provided for in any other law.
2. The imposition of the penalties stipulated in this Decree-Law shall not prejudice the right of the injured party to resort to the courts to claim compensation for the damage resulting from the violation of any provision of this Decree-Law.

## **Article (31)**

### **Competition Cases**

Competition cases shall have the status of urgency, and the competent court may issue a decision to stop or prevent any action pending the final judgment.

## **Article (32)**

### **Filing Complaints about Violations**

Any interested party may file a complaint with the Ministry or the competent authority regarding any violation of the provisions of this Decree-Law, in accordance with the controls specified by the Executive Regulation of this Decree-Law and the decisions issued in implementation thereof.

## **Article (33)**

### **Initiation of Criminal Proceedings and Reconciliation**

1. Except as provided in Article (28) of this Decree-Law, criminal proceedings for the crimes stipulated in this Decree-Law shall not be initiated except upon a written request from the Minister or his delegate.
2. The Minister or his delegate may reconcile any of those acts before the criminal case is referred to trial, in exchange for payment of an amount not less than twice the minimum fine. The Executive Regulation of this Decree-Law shall specify the controls for reconciliation.

## **Article (34)**

### **Grievance and Appeal against Decisions**

1. Any interested party may file a written grievance against any decision issued based on the provisions of this Decree-Law to the Minister, the head of the competent authority, or the head of the regulatory body, as the case may be, within (15) fifteen working days from the date of being notified of the decision or measure being grieved, provided that it is accompanied by all supporting documents and papers. This grievance shall be decided upon within (30) thirty days from the date of its submission, and the decision issued thereon shall be final. Failure to respond within the said period shall be considered a rejection of the application.
2. The grievant may appeal the decision rejecting the grievance before the competent court within (30) thirty days from the date of being notified of this decision or the expiry of the deadline for deciding on the grievance without being notified.
3. In all cases, an appeal may not be filed with the court until after a grievance has been filed against the decision and a decision rejecting the grievance has been issued, or the deadline stipulated in Clause (2) of this Article has passed without notification.

## **Article (35)**

### **Judicial Officers**

Employees who are designated by a decision from the Minister of Justice or the head of the judicial authority, as the case may be, in agreement with the Minister, the competent authority, and the sectoral regulatory body, as the case may be, shall have the capacity of judicial officers in proving violations of the provisions of this Decree-Law and the regulations and decisions implementing it, each within their scope of competence.

## **Article (36)**

### **Fees**

The Cabinet, based on the proposal of the Minister of Finance, shall issue a decision on the fees necessary for the implementation of the provisions of this Decree-Law.

## **Article (37)**

### **Lapse of Complaints**

Complaints related to anti-competitive practices shall lapse after (5) five years from the date of their commission, except for practices that are proven to have continued and their harmful effects on competition extended for more than (5) five years.

## **Article (38)**

### **Executive Regulation**

The Cabinet shall issue the Executive Regulation of this Decree-Law within (6) six months from the date of its entry into force.

## **Article (39)**

### **Repeals**

1. Federal Law No. (4) of 2012 on the Regulation of Competition is hereby repealed, as is any provision that contradicts or is inconsistent with the provisions of this Decree-Law.

2. The regulations, decisions, and systems issued based on the provisions of Federal Law No. (4) of 2012, including the decision to form the Competition Committee, shall remain in force until they are replaced by what supersedes them in accordance with the provisions of this Decree-Law.

## **Article (40)**

### **Publication and Entry into Force of the Decree-Law**

This Decree-Law shall be published in the Official Gazette and shall come into force (3) three months after the date of its publication.

Mohamed bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by us at the Presidential Palace - Abu Dhabi:

Dated: 13 / Rabi' al-Awwal / 1445 H

Corresponding to: 28 / September / 2023 AD