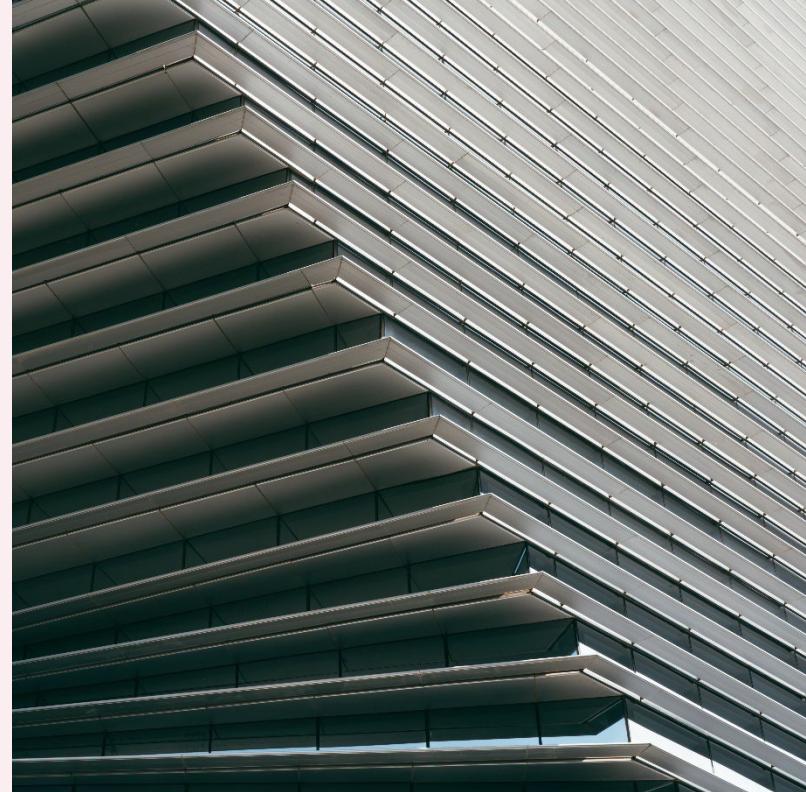


UAE Competition Law: Ministry of Economy publishes guidelines on the submission of competition complaints

A clearer pathway to complaint-driven enforcement

15 January 2026



The UAE Ministry of Economy & Tourism (the "**MoE or the Ministry**") has published detailed Guidelines on the submission of competition complaints under Federal Decree-Law No. 36 of 2023 regarding regulating competition (the "**UAE Competition Law**").

The Guidelines form part of the MoE's broader efforts to operationalise the UAE's revamped competition law framework following the entry into force of the UAE Competition Law in December 2023. While primarily procedural in nature, the Guidelines also provide important insight into how the MoE understands and applies key competition law concepts in practice, and how it expects complaints to be framed, substantiated and assessed.

This briefing summarises the key elements of the Guidelines and highlights selected practical implications for businesses operating in, or affecting, the UAE market.

Contents

- 1 Overview of the Complaints Framework
- 2 Preparation and submission of a complaint
- 3 Review of the Complaint by the MoE
- 4 Key clarifications emerging from the Guidelines
- 5 Takeaways for businesses active in the UAE

UAE Competition law: Ministry of Economy publishes guidelines on the submission of competition complaints

A clearer pathway to complaint-driven enforcement

OVERVIEW OF THE COMPLAINTS FRAMEWORK

1. Who may submit a competition complaint

The Guidelines confirm a broad right to lodge complaints with the MoE, consistent with Article 32 of the UAE Competition Law. Complaints may be submitted by any natural or legal person, whether private or public, who has a legitimate interest, including:

- **Economic establishments**, such as competitors, customers or suppliers, provided they can demonstrate a legitimate interest;
- **Consumers**, where alleged practices harm or are likely to harm consumer interests; and
- **Government entities**, including in the context of public procurement and tendering processes.

The complainant must demonstrate a legitimate interest, typically by showing a connection to the affected market and actual or potential harm arising from the alleged conduct.

2. Conduct that may be the subject of a complaint

Complaints must relate exclusively to anti-competitive practices prohibited under the UAE Competition Law, namely:

- restrictive agreements (Article 5);
- abuse of a dominant position (Article 6);
- abuse of a position of economic dependence (Article 7); and
- sales or offers at excessively low prices (Article 8).

The Guidelines draw a clear distinction between competition law infringements and purely commercial or unfair competition disputes. Practices such as misleading conduct, imitation or other unfair commercial practices will generally fall outside the MoE's jurisdiction unless they also affect market structure or competition dynamics in a manner prohibited by the UAE Competition Law. Complaints that do not clearly fall within the scope of Articles 5–8 are exposed to early rejection.

3. Jurisdiction and competent authority

The Guidelines clarify the allocation of jurisdiction between:

- the MoE as the federal competition authority;
- Emirate-level economic development departments; and
- sectoral regulators, where applicable.

As a general rule, the MoE will exercise jurisdiction where alleged practices affect competition at the national level or across multiple Emirates.

Practices with effects confined to a single Emirate, or falling within a sector-specific regulatory framework, may fall outside federal jurisdiction and should be referred to the relevant local or sectoral authority. In such cases, the MoE may reject the complaint.

The Guidelines encourage potential complainants to engage with the MoE before filing, in order to verify jurisdiction and avoid misdirected complaints.

The Guidelines make extensive use of illustrative examples and practical scenarios covering jurisdiction, admissibility, market definition, evidence and harm. In the absence of published decisional practice, these examples provide valuable insight into how the Ministry is likely to assess complaints in practice. A number of recurring themes emerge, including a particular focus on collusion in procurement and tendering processes, refusal to deal and exclusionary conduct, abuses of economic dependence, and vertical restrictions such as exclusivity arrangements. The examples also illustrate the Ministry's efforts to filter out purely commercial or unfair competition disputes that do not raise broader competition concerns, and to prioritise cases where market structure and competitive effects can be credibly demonstrated.

PREPARATION AND SUBMISSION OF A COMPLAINT

1. Pre-submission engagement

The MoE expressly encourages pre-submission contact with the Competition Department, either electronically or through meetings. This stage is intended to help (i) frame the complaint correctly under competition law, (ii) determine whether the alleged conduct falls within the scope of the UAE Competition Law and (iii) confirm whether the MoE is the authority with the jurisdiction to review such claim.

In practice, this mechanism may act as an early filtering tool for complaints that are primarily contractual, regulatory or local in nature.

2. Formal requirements and content

Complaints must be submitted using the official complaint form issued by the MoE and must include detailed information on, among other things:

- the identity of the complainant and respondent;
- a clear and chronological description of the facts;
- identification of the alleged anti-competitive practices and the legal provisions relied upon;
- the relevant market and geographic scope;
- evidence and supporting documentation;
- actual or potential harm to competition; and
- the relief sought (limited to the opening of an investigation).

The Guidelines emphasise that the quality and completeness of the complaint at the filing stage is critical to admissibility.

3. Evidence and burden of proof

The Guidelines place the burden of proof firmly on the complainant, reflecting the general legal principle that the burden lies with the party alleging an infringement. Complaints must be supported by sufficient evidence to establish, at the outset, a reasonable and serious basis justifying the opening of an investigation. Notably, the Guidelines

characterise this evidentiary requirement as an *obligation de résultat* (obligation of result), with the complainant expected to provide all necessary supporting material to substantiate its claims at the admissibility stage.

While the Competition Department may, once a complaint is accepted, exercise its investigative and fact-finding powers to collect additional information relevant to assessing market harm and the public economic interest, the Guidelines make clear that the authority does not assume the burden of proving the alleged anti-competitive practices. This front-loaded allocation of evidentiary responsibility differs from EU practice, where complaints typically serve as an informational starting point and the burden of establishing an infringement is discharged by the authority during the course of proceedings. The UAE approach is expressly designed to filter out non-meritorious complaints and to preserve legal certainty for economic entities.

Accepted forms of evidence include, among others, agreements, correspondence and internal documents; pricing data, invoices and market studies; tender documentation and bid data; and financial and operational information. Where direct evidence is unavailable, complainants may rely on logical indicators and circumstantial evidence, provided these are coherent, consistent and sufficiently persuasive. Complaints lacking evidentiary support are expressly exposed to rejection.

REVIEW OF THE COMPLAINT BY THE MOE

Submission of a complaint does not guarantee acceptance. The MoE conducts an initial review to assess whether the complaint meets both formal and substantive requirements. If deficiencies are identified, the complainant may be invited to complete the file within a specified timeframe. Failure to do so may result in rejection. Where the complaint is accepted, the MoE may open an investigation and request further information from the parties concerned.

Further, where a complaint is accepted and leads to a finding of infringement, the Ministry has broad enforcement powers under the UAE Competition Law. These include the ability to impose administrative fines on entities found to have committed anti-competitive practices and, where appropriate, to refer matters to the competent courts for the imposition of judicial penalties.

The Ministry may also grant exemptions for certain agreements or practices that may otherwise restrict competition, where these are justified by legitimate objectives such as promoting economic development or improving efficiency, and subject to conditions designed to preserve effective competition.

The Guidelines also address:

- the complainant's ability to withdraw a complaint, subject to public interest considerations (noting the withdrawal of a complaint by the complainant does not restrict the Competition Department from taking action); and
- the availability of grievance and appeal mechanisms against MoE decisions.

KEY CLARIFICATIONS EMERGING FROM THE GUIDELINES

While largely procedural, the Guidelines contain several clarifications of broader relevance.

1. Economic establishment and single economic unit

The Guidelines confirm a functional, economic approach to the concept of an "economic establishment", extending beyond formal legal structures. Public or private ownership, legal form and organisational structure are not determinative.

Importantly, the Guidelines clarify that intra-group conduct will generally fall outside the scope of Articles 5–8 only where:

- the parent company holds a majority of the subsidiary's capital; and
- the parent exercises both legal and actual control over the subsidiary's activities.

The Guidelines provide a clear intra-group safe harbour only where a parent holds a majority of the subsidiary's capital and exercises legal and actual control. This formulation establishes cumulative conditions for excluding intra-group coordination from Articles 5–8 and is narrower than the EU 'decisive influence' test, under which control may arise below 50%.

While the Guidelines frame this intra-group exclusion by reference to majority ownership coupled with legal and actual control, the emphasis placed on effective control and unified decision-making raises the question of whether majority ownership is intended as a strict cumulative requirement, or rather as a proxy for control. Given that control is a central concept across the UAE Competition Law — including in the context of economic concentrations — it remains to be seen whether this formulation reflects a complaint-specific safe harbour or whether further guidance will clarify that control, rather than shareholding thresholds, is determinative.

2. Institutional allocation of competences

Beyond procedural guidance, the Guidelines provide useful insight into the evolving allocation of competences between the MoE, acting as the federal competition authority, Emirate-level Economic Development Departments, and relevant sectoral regulators. The emphasis placed on geographic scope, market effects and national impact reflects a clearer demarcation of when matters fall within the remit of the MoE, and when they should instead be addressed at local or sectoral level. This clarification is particularly relevant in a complaint-driven enforcement environment, as it signals a more structured approach to jurisdictional screening and reduces the risk of parallel or misdirected proceedings. From a practical perspective, the Guidelines underscore the importance of early jurisdictional analysis when assessing.

TAKEAWAYS FOR BUSINESSES ACTIVE IN THE UAE

- **Complaints are a primary enforcement trigger in the UAE.** In practice, the UAE competition authority has shown itself to be highly responsive to complaints as an enforcement tool. While the regime continues to develop and may, over time, place greater reliance on additional tools such as market studies or sector inquiries, complaints

currently play a central role in initiating investigations. The publication of these Guidelines reinforces that reality and signals a clear intention to professionalise and systematise complaint-driven enforcement.

- **Enforcement is already underway.** Investigations into alleged anti-competitive conduct have already been initiated under the UAE Competition Law, including in the absence of prior published guidance. The Guidelines therefore reflect an authority that is consolidating practice and clarifying expectations, rather than one that is only beginning to enforce.

Alignment with international standards is accelerating but remains tailored to the UAE context. The structure and content of the Guidelines — including the emphasis on market effects, evidentiary substantiation, control and group responsibility — reflect increasing convergence with established international competition law principles. At the same time, the manner in which these concepts are operationalised is adapted to the UAE's institutional framework and enforcement model, notably through a more front-loaded complaint admissibility process and a greater emphasis on procedural filtering. For businesses accustomed to operating under EU or UK competition regimes, the Guidelines introduce familiar concepts, but apply them in a manner tailored to the UAE's specific legal and market context. While the UAE's competition law framework continues to evolve and develop its own body of decisional practice and safe harbours, the Guidelines provide valuable clarity and direction for both local and international stakeholders.

- **Complaint exposure should be factored into risk assessments.** Given the central role of complaints, businesses should assume that competitors, customers, distributors and counterparties may actively use the complaint mechanism. Practices that may have historically been viewed as low-risk — particularly in vertical arrangements, exclusive dealing, distribution, franchising, procurement and joint ventures — warrant renewed scrutiny.
- **Now is the time for internal compliance review.** The Guidelines underscore the importance of contemporaneous documentation, governance structures and decision-making processes. Businesses operating in or affecting the UAE market should consider proactively reviewing:
 - commercial practices and contractual arrangements that may affect market access, pricing or exclusivity;
 - information flows and coordination across business units, distribution networks and joint ventures;
 - procurement and bidding practices, particularly where interactions with competitors may arise; and
 - internal competition law compliance policies, training and escalation procedures.

In an environment where complaint-driven enforcement is active and evolving, preventive compliance and early issue-spotting remain the most effective risk mitigation tools.

UAE Competition law: Ministry of Economy publishes guidelines on the submission of competition complaints
A clearer pathway to complaint-driven enforcement

**Sabra Ferhat**

Counsel, Dubai

Email: sabra.ferhat@cliffordchance.com
Mobile: +971 50 721 9702

This publication does not necessarily deal with every important topic or cover every aspect of the topics with which it deals. It is not designed to provide legal or other advice.

cliffordchance.com

Clifford Chance, 10 Upper Bank Street, London, E14 5JJ

© Clifford Chance 2026

Clifford Chance LLP is a limited liability partnership registered in England and Wales under no. OC323571. The firm's registered office and principal place of business is at 10 Upper Bank Street, London E14 5JJ. The firm uses the word "partner" to refer to a member of Clifford Chance LLP or an employee or consultant with equivalent standing and qualifications.

If you do not wish to receive further information from Clifford Chance about events or legal developments which we believe may be of interest to you, please either send an email to nomorecontact@cliffordchance.com or by post at Clifford Chance LLP, 10 Upper Bank Street, Canary Wharf, London E14 5JJ

Abu Dhabi • Amsterdam • Barcelona • Beijing • Brussels • Bucharest** • Casablanca • Delhi • Dubai • Düsseldorf • Frankfurt • Hong Kong • Houston • Istanbul • London • Luxembourg • Madrid • Milan • Munich • Newcastle • New York • Paris • Perth • Prague** • Riyadh* • Rome • São Paulo • Shanghai • Singapore • Sydney • Tokyo • Warsaw • Washington, D.C.

*AS&H Clifford Chance, a joint venture entered into by Clifford Chance LLP.

**Clifford Chance has entered into association agreements with Clifford Chance Prague Association SRO in Prague and Clifford Chance Badea SPRL in Bucharest.

Clifford Chance has a best friends relationship with Redcliffe Partners in Ukraine.

**Mehran Azzam**

Associate, Abu Dhabi

Email: mehran.azzam@cliffordchance.com
Mobile: +971 50 630 9034