

MAPPING THE GULF STATES WITHIN THE GLOBAL COMPETITION LAW FRAMEWORK

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Abstract

*The Gulf Cooperation Council (GCC) countries are part of the 130 jurisdictions worldwide that have enacted competition laws. The competition law frameworks in the Gulf States are primarily influenced by European Union (EU) competition law, U.S. antitrust, international organizations, etc. However, these jurisdictions possess distinct, sui generis characteristics, as directly transplanting the entire *acquis* from these systems would be impractical. The Gulf region's unique historical, cultural, and political contexts have significantly influenced the development of these legal frameworks.*

As these countries strive to implement diversification strategies to reduce oil reliance, competition laws have emerged as essential tools for promoting competition, enhancing market efficiency, fostering economic growth, ensuring fairness, protecting consumer welfare, and, sometimes, encouraging innovation. Some member states of the Gulf have more inclusive and revised competition law toolboxes in the region than others. However, they all address the goals, key pillars, and well-established institutional frameworks.

Key words: *GCC, Competition law, goals, pillars, institutional infrastructure*

1. INTRODUCTION

This paper examines competition laws of the Gulf Cooperation Council (GCC) countries,¹ which are undergoing significant economic transformation. As these nations pursue diversification strategies to reduce their dependency on oil, competition laws have emerged as an essential toolkit for promoting market efficiency, consumer welfare standards (CWS), fairness, economic growth, etc.

The Gulf ² includes countries that are frequently categorized as high-income developing nations or emerging economies, primarily due to their oil industry.

¹ The Member States of the GCC are the Kingdom of Saudi Arabia (KSA), United Arab Emirates (UAE), Kuwait, Qatar, Oman and Bahrain.

² The terms GCC and Gulf (countries) are interchangeably used throughout the paper.

Despite their significant income levels, they exhibit characteristics of developing economies. Scholars argue that competition policies in these economies should prioritize access and equity, adapting frameworks to ensure that smaller market players can compete against larger, often multinational corporations.³

Competition laws of developing jurisdictions are influenced by international models such as the European Union (EU) Competition law, U.S. Antitrust,⁴ as well as bodies like the WTO, OECD, UNCTAD, ICN etc.⁵ The GCC has also followed their example, learning from them while adopting competition laws tailored to their unique economic needs.⁶ For instance, the Saudi Competition Law of 2019 aims to safeguard fair competition and promote economic growth, mirroring objectives seen in advanced economies. The laws of Kuwait and the UAE emphasize consumer protection and market efficiency.⁷ The influence of U.S. antitrust can, for instance, be seen in Saudi Arabia's Vision 2030, where preventing large corporate monopolies is a central focus of the economic diversification strategy. The need for economic diversification influences these laws, prioritizing sustainable development, market integration and innovation, differentiating them from traditional framework models.⁸

The fundamental objectives of competition laws closely align in both developed and developing countries, although nuances in implementation and legislative focus may differ. At the core of these laws are three main pillars: anti-competitive agreements, abusive conduct, and merger control. These pillars create the operational framework for National Competition Authorities (NCAs), guiding their enforcement actions to achieve broader policy goals.

Effective competition law enforcement depends on the institutions responsible for overseeing the implementation. In the Gulf states, these roles are managed by competition authorities with varying degrees of autonomy. Each Gulf state's competition authority includes structures for oversight and decision-making. However, the inde-

³ IMF, *Gulf Cooperation Council Economic Prospects and Policy priorities for the GCC Countries*, [https://www.imf.org/en/Publications/CR/Issues/2023/12/14/Gulf-Cooperation-Council-Economic-Prospects-and-Policy-Challenges-for-the-GCC-Countries-542513?], Accessed 16 May 2024

⁴ Casoria, M., *Competition law in the GCC countries: The tale of a blurry enforcement*, Chinese Business Review, 2017, 16(3), pp 141-149

⁵ Waked, D., *Competition law in the developing world*, Global Antitrust Review, 2008, pp 69-96

⁶ The Arab Business Legislative Frameworks, *Competition law*, [https://uneswa.org/sites/default/files/inline-files/ABLF-2023-competition-law-overview-english_2.pdf?], Accessed 12 May 2023

⁷ Competition Law of the Kingdom of Saudi Arabia (KSA), 2019, Article 2.

⁸ *Unlocking Diversification in The GCC States*, World Governments Summit, 2024, [https://www.worldgovernmentsummit.org/observer/reports/2024/detail/unlocking-diversification-in-the-gcc-states?], Accessed September 3 2024

pendence of these authorities remains debatable. While the competition agencies of Kuwait and Bahrain are technically independent, they operate under the supervision of relevant ministries, such as the Ministry of Trade and Industry and the Ministry of Commerce. This arrangement often raises questions about the actual extent of their operational autonomy. Similarly, the UAE and Qatar rely on ministerial oversight, which can influence decision-making and policy direction. The balance between governmental oversight and the independence required for unbiased enforcement is still evolving, with future reforms potentially addressing these issues.

This paper is divided into three sections. After the introduction, section two addresses the challenges of competition laws and their intended outcomes. The third section meets the goals and outlines the pillars. Finally, the last section discusses understanding institutional roles and their responsibilities. The paper concludes with a summary.

2. WHAT ARE COMPETITION LAWS SUPPOSED TO ACHIEVE?

2.1. THE VIEW FROM DEVELOPED JURISDICTIONS: POLICY AND ACADEMIA

This section explores the core objectives of competition laws as understood in developed jurisdictions, focusing on perspectives from both policy and academia. It examines the evolving goals of U.S. antitrust enforcement and EU competition law, highlighting key figures like Lina Khan and Margrethe Vestager, who advocate for broader approaches that address innovation, market concentration, and consumer welfare. By analyzing these frameworks, the section sets the stage for understanding how these principles might inform competition policies in other regions, including the Gulf countries.

The chair of the U.S. Federal Trade Commission (FTC), Lina Khan, advocates for a broad vision of antitrust enforcement that goes beyond traditional concerns of price and output. Her approach emphasizes protecting competition, which she believes is crucial for fostering innovation and consumer choice. She argues that the focus should not only be on short-term consumer benefits, such as lower prices, but also on preventing the harmful consolidation of market power that stifles long-term economic dynamism.⁹ Her stance represents a shift in U.S. antitrust thinking, aiming to protect both consumer welfare and the overall competitive environment.

⁹ Khan, L., *Promises of Antitrust*, Georgetown Law, 2023, [<https://www.law.georgetown.edu/news/ftc-chair-lina-khan-discusses-the-promises-of-antitrust-at-georgetown-law/>], Accessed July 17 2024 see also Khan, L., *Amazon's Antitrust Paradox*, Yale Law Journal

Khan primarily articulates her views on U.S. antitrust enforcement in her notable paper on Amazon.¹⁰ She critiques the traditional antitrust focus on price effects in this piece. While offering low prices, she points out how firms like Amazon can still engage in anticompetitive behavior by consolidating market power, thus stifling innovation and competition in the long run. Her philosophy has been supported by others in the current U.S. administration, such as Wu and Baker. Wu argues that monopolistic power in markets not only stifles competition but also harms democracy.¹¹ Baker, on the other hand, argues that more attention should be paid, especially to how mergers and market concentration can reduce innovation and long-term consumer welfare.¹²

From academia, Shapiro has argued for a more dynamic understanding of market competition, one that considers how firms with significant market shares can reduce competition through factors beyond pricing, such as network effects and platform dominance.¹³ According to Hovenkamp, the U.S. antitrust laws do not offer clear definitions of the conduct they prohibit, such as driving over 70 miles per hour or paying taxes after the April 15 deadline. Instead, he adds, institutions struggle with much less precise language, including conduct that ‘restrains trade,’ ‘monopolizes,’ or ‘substantially lessens competition.’ The EU competition law is not very different in this regard.¹⁴ This is also reflected in the goals these laws aim to achieve.

U.S. antitrust laws, established by landmark legislation like the Sherman Act (1890), Clayton Act (1914), and the Federal Trade Commission (FTC) Act (1914), aim to address both explicit and implicit goals. Economic theory, judicial interpretation, and policy changes have evolved and shaped these goals. Sections one and two of the Sherman Act prohibit agreements that restrain trade or attempt to monopolize power. The primary goal is to promote fairness and freedom of competition. The modern interpretation of antitrust law, especially since the 1970s and influenced by the Chicago School of thought, focuses on consumer welfare by emphasizing lower prices, higher output, and better-quality competition.¹⁵ While the laws were initially framed more broadly, courts have

¹⁰ Khan, L., *Amazon’s antitrust paradox*, Yale IJ, 2016, pp 126-710

¹¹ Wu, T., *The Curse of Bigness: Antitrust in the New Gilded Age*, Columbia Global Reports, 2018

¹² Baker, J., *The Antitrust Paradigm: Restoring a Competitive Economy*, Harvard University Press, 2019 1

¹³ Shapiro, C., *Antitrust in a Time of Populism*, International Journal of Industrial Organization, vol. 61, 2018, pp 714-748

¹⁴ Hovenkamp, H., *The Slogans and Goals of Antitrust Law*, NYUJ Legis. & Pub. Pol’y 25, 2022

¹⁵ Hovenkamp, H.; Morton, F., *Framing the Chicago School of antitrust analysis*, U. pa. l. Rev. 168, 2019; see also McKenna, F.; *What Made the Chicago School So Influential in Antitrust Policy, 2017*, [<https://www.chicagobooth.edu/review/what-made-chicago-school-so-influential-antitrust-policy>], Accessed June 19, 2024.

often interpreted antitrust violations through the lens of harm to consumers, such as price increases or reduced innovation. The Clayton Act directly targets mergers and acquisitions that may substantially lessen competition¹⁶ or tend to create a monopoly. The goal is to prevent market concentration before it occurs, ensuring that mergers do not reduce competition or cause harm to consumers. Finally, Section 5 of the FTC Act (15 U.S.C. para. 45) FTC Act empowers the Federal Trade Commission to prevent unfair methods of competition and unfair or deceptive acts affecting commerce. This law explicitly incorporates broader enforcement goals related to business practices that harm both competition and consumers.¹⁷

While not always explicitly mentioned, antitrust enforcement implicitly aims to promote innovation by maintaining a competitive environment where new entrants can challenge incumbents, and firms have incentives to innovate.¹⁸ This is particularly relevant in sectors like technology, where monopolistic behavior can stifle innovation.¹⁹

U.S. antitrust laws implicitly aim to prevent excessive economic concentration, which can give a small number of firms outsized influence over the economy.²⁰ This was a key concern during the progressive era and the original passing of the Sherman Act. Historically, antitrust laws also aim to prevent concentrations of economic power that could lead to undue political influence. This concern aligns with the broader goals of economic democracy, where competition supports small businesses and prevents monopolistic firms from wielding too much control over society. Scholars like Louis Brandeis famously emphasized this broader goal of protecting democratic values through antitrust enforcement.²¹

Antitrust enforcement has recently been interpreted to include labor concerns, such as non-compete agreements limiting worker mobility.²² The FTC and other

¹⁶ Shapiro, C.; *Using Economics To Diagnose a Lessening of Competition*, 2024, [https://www.promarket.org/author/carl_shapiro/], Accessed September 2, 2024.

¹⁷ Policy Statement, *Scope of Unfair Methods of Competition Under Section 5 of the Federal Trade Commission Act*, Commission File No. P221202, 2022, [https://www.ftc.gov/system/files/ftc_gov/pdf/P221202Section5PolicyStatement.pdf], Accessed June 19, 2024

¹⁸ Spulber, D., *Antitrust and innovation competition*, Journal of Antitrust Enforcement ,11.1, 2023, pp 5-50

¹⁹ Ibid;

²⁰ Cavenaile, L.; Celik, M.; Tian, X., *The dynamic effects of antitrust policy on growth and welfare*, Journal of Monetary Economics 121, 2021, pp 42-59

²¹ Crane, D., *Antitrust as an Instrument of Democracy*, Duke LJ Online 72, 2022

²² Federal Trade Commission., [FTC proposes rule to ban noncompete clauses, which hurt workers and harm competition]. January 4 (2023): 2023, accessed 10 May 2024; See also, Posner, E., *The antitrust challenge to covenants not to compete in employment contracts*, Antitrust Law Journal 83.1, 2020, pp 165-200

bodies have started considering how monopolistic or anti-competitive practices might harm workers by reducing their bargaining power or job options.²³

On our side of the Atlantic, we not only believe that we are better regulators but also that we have and continue to export our regulations and policies worldwide.²⁴ Margrethe Vestager, the European Commissioner for Competition (in leaving), has consistently emphasized the broad goals of EU competition law, which include fostering fair competition, protecting consumer welfare, and ensuring market innovation. Vestager's approach places significant importance on addressing market concentration and the potential dominance of large firms, particularly in the digital economy. She believes competition law should maintain a level playing field across the EU.²⁵ Her enforcement actions, particularly against large tech companies like Google and Amazon, ensure that no company abuses its market dominance to the detriment of smaller competitors or consumers. This aligns with the principle of guaranteeing market fairness.²⁶

Vestager has been vocal about updating competition rules to address the challenges of Big Tech and the digital economy. She has worked on the Digital Markets Act, a regulation aimed at curbing the dominance of large digital platforms, ensuring that new entrants can compete fairly, and preventing companies from exploiting their market power.²⁷ Today, DMA is a reality, a legally binding and directly applicable regulation to all EU Member States (MSs).²⁸

²³ Albrecht, B.; Auer, D.; Manne, G., *Labor Monopsony and Antitrust Enforcement: A Cautionary Tale*, Available at SSRN 4818412, 2024

²⁴ Bradford, A., *The Brussels effect: How the European Union rules the world*, Oxford University Press, USA, 2020 See also Europe, regulator of the world, A&O SHERAMAN available at [<https://www.aoshearman.com/en/insights/global-business-in-a-changing-europe/europe-regulator-of-the-world>] Accessed 11 April 2024

²⁵ Keynote speech delivered by EVP Vestager for the Keystone Conference: [A Triple Shift for competition policy] available at https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_23_1342, Mar.2.2023 Accessed 10 May 2023.

²⁶ Statement by Commissioner Vestager, [Commission decision to fine Google €2.42 billion for abusing dominance as search engine by giving illegal advantage to own comparison shopping service], available at https://ec.europa.eu/commission/presscorner/detail/de/STATEMENT_17_1806, June 2017 Brussels, Accessed 10 July 2023

²⁷ Statement by Executive Vice-President Vestager on the [Commission proposal on new rules for digital platforms], available at https://ec.europa.eu/commission/presscorner/detail/en/statement_20_2450, Dec 15, 2020, Accessed February 12, 2023

²⁸ Belloso, Natalia.; Nicolas, Petit., *The EU Digital Markets Act (DMA): a competition hand in a regulatory glove*, SSRN 4411743,2023 see also *Digital Competition Regulations Around the World*, [<https://laweconcenter.org/spotlights/digital-competition-regulations-around-the-world>]Accessed 3 April 2023;

Similarly to what was said about the US antitrust policy above, Vestager has also promoted the idea that sustainability goals coexist with competition policy.²⁹ She has been engaged in discussions on how EU competition law can complement environmental and social objectives, indicating a broader view of how competition law can support the EU's green and digital agendas.³⁰ This combination of goals seems somewhat eclectic, similar to a 'Macedonia,' the Italian term for a mixed fruit salad. This is a perfect recipe to make the institutional agency's job extremely challenging when striving to enforce the law.

Apart from the policies provided by competition agencies in the most developed jurisdictions, several scholars and legal experts have written extensively about the goals of EU competition law. Fox argues that EU competition law should balance the promotion of consumer welfare with maintaining market integration across the European Union.³¹ According to her, EU competition law has a broader social dimension compared to U.S. antitrust law, focusing not only on efficiency and consumer welfare but also on fairness and protecting smaller businesses from dominant market players. European academia agrees with Fox. Whish and Bailey outline that the primary goals of EU competition law are ensuring market efficiency, preventing abuse of dominance, and promoting consumer welfare. They also highlight the importance of market integration, which seeks to eliminate barriers between EU MSs to foster a competitive single market.³² This is certainly unique for the EU to follow and a good model for the GCC to learn from.³³ Finally, Lianos explores the evolving goals of EU competition law, especially in the context of digital markets and platform economies. He argues that while consumer welfare

²⁹ Righini, E.; Calzado, J.; Little, D.; Bichet, P.; (*Latham & Watkins LLP*), *The European Green Deal & Competition Policy – Call for contributions on how EU competition rules and sustainability policies can work together*, [<https://competitionlawblog.kluwercompetitionlaw.com/2020/10/19/the-european-green-deal-competition-policy-call-for-contributions-on-how-eu-competition-rules-and-sustainability-policies-can-work-together/>] October 19, 2020 Accessed September 3 2024; see also Malinauskaite, Jurgita., *Competition law and sustainability: EU and national perspectives*, Journal of European Competition Law & Practice 13.5, 2022, pp 336-348

³⁰ Klaudia, M.; Robertson, V.; *The twin transition to a green and digital economy: The role for EU competition law. Research Handbook on Sustainability and Competition Law*, Edward Elgar Publishing, 2024, pp 194-210

³¹ Fox, Eleanor M., *The Efficiency Paradox How the Chicago School overshot the mark: The effect of conservative economic analysis on U.S. Antitrust*, R. Pitofsky, ed., Oxford, p. 77, 2008, NYU Law and Economics Research Paper No. 09-26, SSRN [<https://ssrn.com/abstract=1431558>] July 8 2009 Accessed December 2023

³² Whish, R.; Bailey, D., *Competition Law*, 9th edition, 2018

³³ Another example is the digital market and the DMA see also Memeti, N. *From Legislation to Enforcement: Tackling Digital Acquisitions in the Gulf Region. DISO* 3, 67 (2024). [<https://doi.org/10.1007/s44206-024-00152-9>] Accessed 27 December 2024.

remains central, the law must also address innovation, data privacy, and fair competition in digital ecosystems, areas where traditional competition metrics (like price) are less applicable.³⁴

From the legislative framework perspective, TEU and TFEU as the primary sources covering the first two pillars and merger regulation as secondary legislation empowers the EU Commission to pursue its explicit and implicit goals. The most fundamental goal of EU competition law is to ensure the free movement of goods, services, capital, and workers as fundamental rights within the EU by preventing anti-competitive practices that might create barriers between Member States. This promotes the integration of national markets into a single EU market, enabling firms from all MSs to compete fairly.³⁵ EU competition law aims to protect consumers by ensuring that markets remain competitive, leading to lower prices, better quality, and increased innovation. The consumer welfare standard is central to enforcing EU competition rules, which aim to prevent practices harming consumers, such as cartels, abusive behavior by dominant firms, etc.³⁶ Although not explicitly mentioned within the treaties, innovation is an implicit goal of EU competition law. By maintaining competitive markets, the law must ensure that undertakings have incentives to innovate, which will lead to better products and services.³⁷

2.2. CLASSIFYING STATES: DEVELOPED OR DEVELOPING?

The paper notes that EU Competition Law and US Antitrust are two of the most developed toolboxes for competition law. Scholars such as Fox, Gal, Jenny, Wacked, and Cheng have written extensively on competition law in developing countries or small economies, focusing on how competition law and policy can foster economic growth, combat concentrations, protect consumers, promote market access for smaller players, etc.

Fox, for instance, emphasizes that competition law in developing countries should not merely copy the models from advanced economies but must focus on market

³⁴ Lianos, I., *Competition Law for the Digital Era*, Handbook on European Competition Law, 2021

³⁵ Article 3 TFEU (Lisbon)

³⁶ Articles 101 and 102 TFEU (Lisbon)

³⁷ Draghi's report on aiming at closing the innovation gap with the United States and China, Address by Mr. Draghi Presentation of the report on the Future of European competitiveness – European Parliament – Strasbourg – 17 September 2024 [https://commission.europa.eu/document/download/fcbc7ada-213b-4679-83f7-69a4c2127a25_en?filename=Address%20by%20Mario%20Draghi%20at%20the%20Presentation%20of%20the%20report%20on%20the%20future%20of%20European%20competitiveness.pdf] Accessed 10 November 2024

access and equity, ensuring that new entrants and small businesses can compete fairly against larger, often multinational corporations.³⁸

In her paper, she mainly focuses on South Africa's market.³⁹ In her view, competition policy in that region can help break down barriers to entry, combat entrenched local monopolies, and address issues of economic inequality. Similarly to Fox, Simon highlights that competition policy in developing countries such as South Africa should aim to reduce inequality and foster economic inclusion by breaking up oligopolies and increasing market access for small and medium-sized enterprises (SMEs).⁴⁰ The GCC countries for instance, differ significantly from South Africa or other developing countries, making this discussion less suitable for their specific context. GCCs are 'rentier countries', meaning they derive a significant portion of their revenue from renting their natural resources to external clients rather than through productive activities like manufacturing or services.⁴¹ Citizens in rentier states often pay low or no taxes. The government often redistributes the wealth from resources through public sector employment, subsidies, and extensive welfare programs, which contribute to social stability but can also discourage private-sector growth and diversification.⁴² When rentier states rely too much on volatile resource markets, they face economic risks tied to fluctuating commodity prices.⁴³ This can lead to budget deficits and economic challenges when prices fall, as seen in oil price declines over recent years.

On the other hand, Jenny has contributed to understanding how competition law goals in developing countries vary from those in more advanced economies.⁴⁴ He emphasizes that competition law in these countries should focus on addressing market distortions, which can often arise from a combination of weak institutions and entrenched monopolistic practices.⁴⁵ All nascent competition laws are characterized by weak institutional infrastructure. As Kovacic and Lopez underline, most

³⁸ Fox, E., *Global Markets, Competition, and Developing Economies*, Antitrust Law Journal, 2012 See also Bonakele, T., *The Developmental State, Competition Law, and Economic Inclusion*, South African Journal of International Affairs, 2014

³⁹ Fox, Eleanor M., "Global Markets, Competition, and Developing Economies," in Antitrust Law Journal (2012)

⁴⁰ Roberts, S., *Economic Development, Competition and Industrial Policy in South Africa*, Competition Policy International, 2011

⁴¹ Gray, M., *A theory of late rentierism in the Arab states of the Gulf*, CIRS Occasional Papers, 2011

⁴² Hertog, S.; *Reforming wealth distribution in Kuwait: estimating costs and impacts*, [https://eprints.lse.ac.uk/105564/2/Reforming_Wealth_Distribution_in_Kuwait_New.pdf], 2020 Accessed February 2023

⁴³ Ibid

⁴⁴ Frédéric, J., *Competition Law and Developing Economies: A Hopeful Roadmap*, Journal of Competition Law & Economic, 2012

⁴⁵ Ibid

jurisdictions typically take twenty to twenty-five years to operate the competition law system fully.⁴⁶

The perception differs if one writes about developing countries with small economies. In her article on small market economies, Gal, for instance, argues that the goals of competition law should be tailored to the specific needs of small market economies. In these economies, competition law must address the unique challenges posed by limited market size, which can restrict the number of competitors and make monopolies more likely. Promoting efficiency and ensuring that firms have the scale to compete globally is crucial for small economies. However, this may mean tolerating some level of market concentration.⁴⁷

Economic efficiency remains a central goal of competition law, even in smaller or developing markets. However, she also highlights the need to balance this goal with concerns about market power. In small economies, a few dominant firms might be necessary to achieve economies of scale, but competition law must ensure these firms do not abuse their market power.⁴⁸ Gal supports the idea that competition law in developing countries and smaller economies may need to integrate social and economic development goals. This includes promoting innovation, fostering inclusive economic growth, and ensuring access to essential goods and services. In her work, she argues that competition law should not be a one-size-fits-all solution but rather reflect the specific economic realities of different jurisdictions.⁴⁹ Finally, Waked argues that the goals of competition law in developing countries should go beyond the traditional focus on economic efficiency, as seen in many developed countries, and incorporate broader social and developmental objectives.⁵⁰

2.3. POSITIONING THE GULF STATES

Given the discussion so far, one might wonder if the Gulf countries should be considered developing or developed economies. This varies based on the criteria used, but these countries are often classified as high-income developing nations or emerging economies, primarily driven by the oil industry. Although this is not the

⁴⁶ Kovacic, W.; Lopez-Galdos, M., *Lifecycles of competition systems: explaining variation in the implementation of new regimes*, Law & Contemp, Probs 79, 2016, pp 85

⁴⁷ Gal, M., *Competition Policy for Small Market Economies*, 2003

⁴⁸ Gal, M., *The Optimal Goals of Competition Law*, Antitrust Bulletin, 2004

⁴⁹ Gal, M., *Antitrust in a Globalized Economy: The Unique Enforcement Challenges Faced by Small and Developing Economies*, Fordham International Law Journal, 2010

⁵⁰ Waked, D., *Antitrust goals in developing countries: policy alternatives and normative choices*, Seattle UL, Rev. 38, 2014, pp 945

primary focus of the paper, it is essential to clarify this before discussing competition law challenges in the region.

Based on International Organizations (IOs) data, Gulf countries, particularly those members of the GCC, have high per capita income due to their vast oil and gas resources. This wealth elevates their Gross National Income (GNI) per capita to levels often associated with developed countries, which might lead to the assumption that they are fully developed.

However, World Bank (WB) and International Monetary Fund (IMF) classifications often place them in the developing or emerging economies category because their economies largely depend on oil exports only and face challenges in areas such as employment and social development.⁵¹ WB typically classifies countries based on income levels rather than broader social and economic indicators, and in that context, GCC countries are considered high-income economies.⁵²

However, the United Nations (UN) does not list them among fully developed jurisdictions, as social indicators, including education, diversification, and reliance on natural resources, still present developing characteristics.⁵³

Another measurement desk is the Human Development Index (HDI), which measures broader aspects of human development such as life expectancy, education, and living standards. Based on HDI, Gulf countries are ranked relatively high, though not at the very top globally.⁵⁴ While their HDI rankings are impressive (especially the UAE and Qatar), the presence of income inequality, reliance on expatriate labor, and structural reforms necessary for sustainable development keep them closer to the developing status in broader terms.⁵⁵

⁵¹ Country Composition of WEO Groups, World Economic Outlook Database Groups and Aggregates Information, [https://www.imf.org/en/Publications/WEO/weo-database/2023/April/groups-and-aggregates] Accessed 13 April 2024

⁵² Hamadeh, N.; Rompaey, C.; Metreau, E.; *World Bank Group country classifications by income level for FY24*, [https://blogs.worldbank.org/en/opendata/new-world-bank-group-country-classifications-income-level-fy24] (July 1, 2023- June 30, 2024), June 2023 Accessed 4 November 2024.

⁵³ Cherif, R.; Hasanov, F.; *Soaring of the Gulf Falcons: Diversification in the GCC oil exporters in seven propositions*, International Monetary Fund, https://www.imf.org/en/Publications/WP/Issues/2016/12/31/Soaring-of-the-Gulf-Falcons-Diversification-in-the-GCC-Oil-Exporters-in-Seven-Propositions-42365, 2014. website

⁵⁴ Arab Human Development Report 2022: *Expanding Opportunities for an Inclusive and Resilient Recovery in the Post-Covid Era* [https://www.undp.org/arab-states/publications/arab-human-development-report-2022-expanding-opportunities-inclusive-and-resilient-recovery-post-covid-era] Accessed 17 June 2023

⁵⁵ Ibid

From an internal perspective, it is evident that the GCC countries are implementing significant reforms to lessen their dependence on oil, which characterizes developing economies as they shift toward more diversified and sustainable growth models.⁵⁶ Policies and projects like Saudi Arabia's Vision 2030⁵⁷ and the UAE's economic diversification plan 2031⁵⁸ highlight ongoing efforts to shift from resource-based to more knowledge-based economies. This necessity for economic diversification is why they are often seen as developing or emerging markets.

Some argue that certain Gulf countries adopted competition laws primarily to meet requirements for membership in International Organizations (IOs).⁵⁹ When Gulf countries drafted their competition laws, they primarily drew inspiration from international best practices, tailoring these frameworks to suit their specific economic contexts. Some Gulf Countries are now members of the World Trade Organization (WTO) and follow its competition policy guidelines. The WTO encourages members to adopt competition policies that promote market access and prevent trade distortions caused by anti-competitive practices. This has influenced how Gulf countries design laws encouraging economic liberalization and ensuring fair competition. Bahrain and Oman, for instance, have based some of their competition rules on WTO principles to ensure that foreign and domestic firms can compete fairly within their markets.⁶⁰ This is primarily based on the principle of competition neutrality.⁶¹

Ultimately, nations determine their own place in the world. Since the rules also aim to ensure that WTO members safeguard the interests of developing country members, some countries, such as KSA, have opted to stay in this category. The U.S. has urged KSA to relinquish its developing status at the World Trade Or-

⁵⁶ Matallah, S., *Economic diversification and governance challenges in MENA oil exporters: A comparative analysis*, The Journal of Economic Asymmetries 26, 2022

⁵⁷ Saudi Vision 2030 [<https://www.vision2030.gov.sa/en>] Accessed 15 April 2024

⁵⁸ UAE vision 2031 [<https://u.ae/en/about-the-uae/strategies-initiatives-and-awards/strategies-plans-and-visions/innovation-and-future-shaping/we-the-uae-2031-vision>] Accessed 23 April 2024

⁵⁹ Approaches to and Challenges in Implementing Competition Law and Policy in the Arab World, 15/06/2023, [<https://www.freiheit.org/middle-east-and-north-africa/approaches-and-challenges-implementing-competition-law-and-policy-arab>], Accessed April 28 2024

⁶⁰ Robert D. Anderson, William E. Kovacic, Anna Caroline Müller and Nadezhda Sporysheva, *Competition Policy, Trade and the Global Economy: Existing WTO Elements, Commitments in Regional Trade Agreements, Current Challenges and issues for Reflection* [https://www.wto.org/english/res_e/reser_e/ers-d201812_e.pdf] 2018, Accessed May 17, 2024

⁶¹ Healey, D.; *Competitive neutrality: the concept*. In *Competitive Neutrality and its Application in Selected Developing Countries*, United Nations Conference on Trade and Development, UNCTAD Research Partnership Platform Publication Series, United Nations, Geneva, 2014 Accessed 9 February 2024

ganization (WTO), which affords the kingdom certain advantages in economic negotiations.⁶²

As a sum, and elaborated in detail below, Gulf countries have drafted their competition laws using a blend of EU competition law, U.S. antitrust models, WTO guidelines, and regional cooperation frameworks. These sources have been adapted to suit the Gulf states' unique economic conditions, particularly their need for diversification and fostering a more competitive environment across a wide range of sectors.

2.4. KEY OBJECTIVES OF GULF COMPETITION LAWS

We now turn to the core of this paper, which is the objectives competition laws strive to pursue in the Gulf countries. Are these objectives similar to those mentioned in developed legal frameworks and academic discourse? Or are they unique in the region's context? Alternatively, should the Gulf countries consider other, potentially more effective solutions? While the laws of developed jurisdictions inspired the Gulf competition laws, the Gulf countries adapted their national laws to fit their specific purposes.

The policy in the region has also been involved in the discussion, albeit to a minimal extent. Besides, the laws are sufficiently clear to articulate the objectives. In 2022, Alajmi, the Kuwaiti CPA Chairman, stressed the need for regional economic integration to accomplish the goals of sustainable development, noting that the state of Kuwait gives high priority to the national policy of protection. This policy is a national development project that aims to upgrade the rules and procedures related to the protection of competition, facilitate orderly investment, and prevent fraudulent behaviour.⁶³ In 2023, The chairman of the Board of Directors of KSA's General Authority for Competition (GAC), Dr. Al Kholify, highlighted the vital role of public policies in addressing challenges from implementing the competition law and policy. With Vision 2030, KSA has set forth an ambitious plan for economic reform and increased private sector involvement to attract domestic and international investment. Based on his speech, since 2018, the GAC has de-

⁶² Baschuk, B.; *Here's What It Means to Be a WTO Developing Country*, [<https://www.bloomberg.com/news/articles/2019-11-14/here-s-what-it-means-to-be-a-wto-developing-country-quicktake?sref=p-1whY86y>] Accessed 9 February 2024

⁶³ Speech by Rashed Alajmi, *The third Arab Competition Forum, organized in Oman by Economic and Social Commission for Western Asia (ESCWAS)*, 24/04/2022, [<https://www.kuna.net.kw/ArticleDetails.aspx?id=3039900&Language=en>] Accessed 3 March 2024

veloped a strategic approach to enforce competition laws and regulations, support economic growth, promote competition, and prevent monopolistic practices.⁶⁴

The recent UAE's competition law adopted in 2023 aims to combat monopolistic practices by ensuring a stimulating environment for enterprises, Abdullah Ahmed Al Saleh, the undersecretary of the Ministry of Economy of the UAE stated.⁶⁵

If policies do not articulate a vision for the goals, then one must read the laws to understand the objectives that the law seeks to achieve. In general, the inflation of matters is good, but the inflation of goals in applying competition law does not make institutional work easier; on the contrary, it makes it challenging and even more discretionary.⁶⁶ This is the case with developed jurisdictions, which have undoubtedly been inherited by developing or less developed jurisdictions. In this way, developing jurisdictions struggle to determine the goal that takes priority in applying the law, and more often than not, this is the primary reason for not being fully engaged in enforcing the law.

Competition laws in the Gulf strive to pursue different goals, some of which are common and others that differ. Most promote (fair) competition in the market, some explicitly, and others only in a *tacit* mode. The Saudi Competition Law of 2019 is the only one in the region explicitly mentioning that it strives to protect and encourage fair competition in the Kingdom.⁶⁷ Article 2 of this law also emphasizes improving the market environment and fostering economic development.⁶⁸ The Law reinforces the principle of free market pricing, stating that prices for goods and services should be determined by market forces unless set by government authorities.⁶⁹ Kuwaiti Competition Law⁷⁰ ensures freedom to practice economic activities, provided they do not limit or harm free competition.⁷¹ In an implicit way, although not directly mentioning SMEs, article 15 of the law ensures that larger, dominant firms do not unfairly suppress smaller competitors,

⁶⁴ Speech by Kholify, *The Fourth Arab Competition Forum, Kingdom of Saudi Arabia*, 23-24/05/2023, Organized by UNESCWA, [https://www.unescwa.org/sites/default/files/event/materials/ACF%20Report%20En.pdf] Accessed 3 March 2024

⁶⁵ Alkesh Sharma, *Everything you need to know about the UAE's competition regulation law?*, 2024, [https://www.thenationalnews.com/business/economy/2024/07/12/everything-you-need-to-know-about-the-uaes-competition-regulation-law/#:~:text=The%20law%2C%20which%20has%20replaced,any%20act%20that%20would%20distort%2C] Accessed September 13, 2024

⁶⁶ Memeti, N., *Discretionary Powers in Merger Control*, (forthcoming, Arab Law Quarterly), 2025

⁶⁷ Competition Law of the Kingdom of Saudi Arabia (KSA), 2019, Article 2

⁶⁸ Ibid, Article 2

⁶⁹ Ibid, Article 4

⁷⁰ Competition Protection Law of Kuwait No. 72/2020

⁷¹ Ibid, Article 2

thus supporting a diverse economic environment where SMEs can compete.⁷² The UAE Federal Decree regulating Competition aims to promote and protect competition in the UAE's economic landscape, and it is the law recently adopted in the region.⁷³ It aims at preventing practices that distort or harm competition, ensuring that businesses operate in a competitive manner that benefits consumers and promotes economic development. The law aims to stimulate businesses, enhancing their effectiveness and competitiveness while ensuring consumer protection. It seeks to achieve sustainable development by maintaining a market governed by free market principles.⁷⁴

Some common goals among many GCC countries include the consumer welfare standard, economic development, and the promotion of market efficiency, etc. The most crucial goal that these laws promote is consumer protection or consumer welfare. Kuwaiti Competition Law aims to safeguard consumer freedom and ensure consumer choice.⁷⁵ In the UAE, the law states that, among others, it aims to enhance business effectiveness and consumer welfare by preventing anti-competitive practices.⁷⁶ Whereas Qatari and Omani competition laws aim to benefit consumers by maintaining market principles and pricing freedom.⁷⁷

As mentioned above, economic development is one of the region's most essential and unique goals. It's a feature that distinguishes the region from both developed and developing countries. Their economic diversification plans strongly influence the competition law goals in Gulf countries. For example, Saudi Arabia's Vision 2030 and the UAE's Economic Vision 2031 emphasize reducing dependence on oil and fostering a competitive environment for innovation and foreign investment. This leads to laws prioritizing market fairness, consumer protection, and enhanced competitiveness in non-oil sectors like technology, finance, and tourism. UAE's Competition Law aims to stimulate business effectiveness and competitiveness, contributing to sustainable economic development.⁷⁸ In Oman, the law states that, among others, its goal is to stabilize market rules and promote market efficiency, contributing to economic growth. Other countries in the Gulf do this in a very subtle way. For instance, the Kuwaiti Competition Law promotes a diverse economic environment that supports SMEs and prevents large companies from suppressing competition.

⁷² Ibid, Article 15

⁷³ The UAE Federal Decree-Law No. (36) of 2023 Regulating Competition, Article 2

⁷⁴ Ibid, Article 2

⁷⁵ Ibid, Article 15

⁷⁶ Ibid, Article 2 (1)

⁷⁷ Competition Law of Oman, article 2, Competition Law of Bahrain, Article 2

⁷⁸ Competition Law of United Arab Emirates (UAE), Article 2

Finally, market efficiency and innovation are other important goals that all Gulf countries strive to achieve. In Kuwait, the law guarantees free competition and protects innovation by preventing harmful practices.⁷⁹ UAE's and Omani's Competition Laws aim to improve market efficiency and encourage innovation by prohibiting anti-competitive practices and maintaining free competition and pricing freedom.⁸⁰

3. WHEN GOALS MEET THE PILLARS

An analysis of the goals of both developed and developing countries reveals that they are often closely aligned. Yet, the fundamental pillars supporting these objectives need to be clarified. Like developed jurisdictions, the Gulf countries include the three main pillars found in modern competition laws today: anti-competitive agreements, abusive conduct, and merger control.

3.1. (THE) ANTI-COMPETITIVE AGREEMENTS (PILLAR)

The definition of anticompetitive agreements in most Gulf competition laws is generally more detailed compared to the concise notions explicitly outlined in EU and US competition law.

Kuwaiti Competition law prohibits agreements and practices that restrict competition, whether between competitors (horizontal relationships) or suppliers and customers (vertical relationships). Horizontal relationships between competitors in wrongdoings such as price fixing, market allocation, product limitations, technical development restrictions, and collusive tendering are prohibited per se.⁸¹ The list is not exhaustive.⁸² It also prohibits agreements or coordinated practices between entities at different levels of the production or distribution chain (e.g., suppliers and distributors) that could restrict, limit, or prevent competition.⁸³

These and similar to these agreements are also prohibited under article 5 of The UAE Competition Law. These agreements can take various forms, including horizontal agreements between competitors and vertical agreements between non-competitors. The law is designed in such a way as to prevent practices that harm market competition by fixing prices, limiting production, or manipulating mar-

⁷⁹ Competition Law of Kuwait, Article 2.

⁸⁰ Competition Law of United Arab Emirates (UAE), article 2, Competition Law of Oman, Article 2

⁸¹ Competition Law of Kuwait, Article 5

⁸² Ibid, Article 6

⁸³ Ibid, Article 7

kets. The law's primary goal in regulating anti-competitive agreements is to protect the integrity of the competitive process by preventing businesses from colluding to control prices, divide markets, or manipulate market conditions. This ensures that consumers benefit from competitive prices, innovation, and a wider choice of products and services.

The Saudi Competition Law explicitly prohibits agreements, contracts, and practices that undermine or limit competition. This applies to formal and informal agreements, written or oral, explicit or implicit, that distort competition. Except for price-fixing, output limitation, market allocation, and bid-rigging, compared to Kuwaiti Competition, the Law also prohibits exclusionary practices, preventing new entities from entering the market or denying access to essential goods or services, and freezing investment, freezing or limiting manufacturing, distribution, development, or investment activities. Compared to the abovementioned jurisdictions, KSA competition law does not distinguish horizontal and vertical anticompetitive agreements.⁸⁴

The Omani Competition Protection Law focuses on three key pillars already named above. The law prohibits agreements or contracts that create monopolies or restrict competition. This includes both written and oral domestic or international agreements that negatively affect competition in Oman.⁸⁵ Article 9 lists prohibited practices to prevent competition, such as price fixing, limiting production, market allocation and exclusionary practices. Bid rigging is not within the explicit prohibitions.

3.2 (THE) ABUSIVE CONDUCT (PILLAR)

Abusive conduct pillar is also included in all national competition Laws of the Gulf Council.⁸⁶ Regional competition laws define dominance and abuse as part of the second pillar. Kuwaiti Competition Law defines dominance as a situation where a person or entity, individually or jointly, can control or influence the relevant market and act independently of competitors, customers, or consumers.⁸⁷ The same provision states, "it shall be prohibited for any person to abuse a dominant position. Any practice that leads to the prevention of competition in the rel-

⁸⁴ Competition Law of the Kingdom of Saudi Arabia (KSA), Article 5

⁸⁵ Competition Law of Oman, Article 8

⁸⁶ See more, Kuwait Competition Law, Article 8; KSA Comp. Law, Article 6; UAE's Comp. Law, Article 6; Omani competition law, Article 10; Bahraini Comp. Law Article 9; Qatari Competition Law, Article 4

⁸⁷ Competition Law of Kuwait, Article 8

evant market or restricts or prevents it shall be considered as abuse of a dominant position.”

Saudi’s Competition Law explicitly prohibits entities in a dominant position from engaging in practices that undermine or limit competition and abuse their dominant position.⁸⁸ A 40% or more market share is presumed to confer dominant status, although smaller market shares may also be deemed dominant depending on other factors. Specific abusive behaviors include predatory pricing, price manipulation, supply manipulation, discrimination, refusal to deal, and tying.⁸⁹

The law in the UAE is very similar to KSA’s competition law regarding the dominance and abuse. What is different here is that, in this country, restricting access to essential facilities and preventing competitors from accessing critical infrastructure, networks, or essential facilities for entering the market or continuing operations also includes abuse of dominance position.⁹⁰ The same provision states that any undertaking which, either individually or in collaboration with other undertakings, holds a dominant position in the relevant market or in a significant and influential part of it shall be prohibited from engaging in any act or conduct that constitutes an abuse of that position if its object or effect is to distort, lessen, restrict, or prevent competition.

Based on Qatari Competition law, abuse of a dominant position occurs when a company or a group of companies use their market power to limit competition, exploit customers, or prevent market access for competitors.⁹¹ The law targets companies with significant control or influence over the market and prohibits them from abusing this position.⁹² Omani and Bahraini competition laws regarding the second pillar are very similar to what was discussed earlier in the neighbourhood countries.

⁸⁸ Competition Law of Kingdom of Saudi Arabia (KSA), Article 6

⁸⁹ Ibid, Article 6

⁹⁰ UAE Competition Law Article 6, very similar provisions are included in the Omani Competition law Article 10, Bahraini Competition Law Article 9, with the exception that article 8 of this law defines a dominant position as one where an undertaking has sufficient economic strength to prevent effective competition and act independently of its competitors, clients, or consumers. Qatari Competition Law, Article 4 also enumerates all above mentioned abusive practices and holds no novelty.

⁹¹ Competition Law of Qatar, Article 4

⁹² Article 4 enumerates the specific prohibitions stated by law, very similar to the prohibitions in neighbourhood countries already mentioned.

3.3 (THE) MERGER CONTROL (PILLAR)

Merger control pillar seems better regulated within the Gulf countries compared to other pillars since these structural changes of companies in the market have previously been governed under Company or Commercial Laws.

In Kuwait, the law defines mergers, acquisitions, and joint ventures.⁹³ Except for the last category, the first two are based on the direct or indirect lasting change of control. The law requires mandatory notification⁹⁴ and all parties involved must only complete the concentration once the CPA issues the approval.⁹⁵

The Saudi Law states that: ‘*Any activity that results in the total or partial transfer of ownership of assets, rights, stocks, shares, or obligations of an entity to another, or in the combining of two or more managements into one joint management, in accordance with the Regulations.*’⁹⁶ In this country, the law addresses economic concentrations, such as mergers and acquisitions, which could significantly reduce competition by creating entities with excessive market power. Mergers and acquisitions are regulated to ensure that they do not harm competition by consolidating market control in the hands of a few large entities. Article 7 requires entities involved in economic concentration (e.g., mergers, acquisitions, or joint ventures) to notify GAC before the completion of the transaction if the total annual sales of the participating entities exceed the threshold set by the implementing regulation. GAC has the right to approve, conditionally approve, or refuse an economic concentration based on its potential effects on competition.

The UAE Competition Law regulates mergers and acquisitions (economic concentrations) that could harm competition by consolidating market power in the hands of a few entities.⁹⁷ The law requires businesses involved in economic concentration (mergers, acquisitions, or joint ventures) to notify the Ministry of Economy at least 90 days before completing the transaction if certain conditions are met.

Omani Competition Law requires businesses to notify the Competition Centre of any proposed merger or acquisition that results in economic concentration.⁹⁸ The Centre must review the merger and issue a decision within 90 days. The merger is considered approved if the Centre does not respond within this period. The law

⁹³ Competition Law of Kuwait, Article 10

⁹⁴ Ibid, Article 14

⁹⁵ Ibid, Article 14

⁹⁶ Competition Law of the Kingdom of Saudi Arabia (KSA), Article 1

⁹⁷ Competition Law of United Arab Emirates (UAE), Articles 12-15

⁹⁸ Competition Law of Oman, Articles 11-12

prohibits any market concentration transaction that may substantially limit competition without the Authority's prior approval.

Mergers and acquisitions in the Qatari market can significantly affect competition by consolidating market power. The law regulates these activities to ensure that such transactions do not result in the creation of monopolies or the substantial reduction of competition.⁹⁹

Suppose the legislative goals to be achieved are presumed to be vague (as many argue). In that case, it may be inferred that NCAs can prevent harmful practices, address market distortions caused by abusive behavior, or block specific concentrations. These can also be regarded as significant goals accomplished by the agencies.

4. UNDERSTANDING INSTITUTIONAL ROLES: WHO IS RESPONSIBLE FOR WHAT?

What does the institutional infrastructure in charge of the implementation of Competition Law look like? What are the institution's roles? Who is responsible for what?¹⁰⁰ Are these institutions well-equipped and capable of reaching the objectives that Competition laws prescribe?

Like the EU and many other jurisdictions, administrative institutions primarily conduct competition law enforcement.¹⁰¹ Although the legislation provides for a clear delineation of powers between administrative bodies and the judiciary, the judiciary in most countries has remained largely inactive.

The Kuwaiti Competition Protection Law sets up a comprehensive institutional infrastructure.¹⁰² The Competition Protection Authority (CPA)¹⁰³ is the leading institution implementing the law. CPA's primary goal is to protect competition, prevent monopolistic practices, ensure the freedom of economic activity, etc. The agency is responsible for receiving complaints, conducting investigations, gathering information, and analyzing market practices to ensure compliance with the law.¹⁰⁴ CPA can issue corrective measures, penalties, and exemptions when neces-

⁹⁹ Competition Law of Qatar, Articles 10-12

¹⁰⁰ Kovacic, W., *The Institutions of Antitrust Law: How Structure Shapes Substance*, Mich. L. Rev., 2011 see also Kovacic, W., *Institutional Foundations for Economic Legal Reform in Transition Economies: The Case of Competition Policy and Antitrust Enforcement*, Chi.-Kent L. Rev., 77, 265, 2001

¹⁰¹ All national competition authorities (NCAs) or agencies are regarded as administrative institutions.

¹⁰² Competition Law of Kuwait, No. 72/2020

¹⁰³ The terms CPA or agency or competition authority will be interchangeably used throughout the paper

¹⁰⁴ Competition Law of Kuwait, Article 16

sary. Additionally, the CPA conducts market studies, organizes training, fosters awareness of competition law, and ensures the law is enforced effectively.

The Saudi Competition Law also establishes a clear institutional framework to enforce its provisions. In this country, the General Authority for Competition (GAC) is the central institution responsible for implementing the Law. Its primary role is to ensure that competition is protected, anti-competitive practices are curbed, and market efficiency is promoted. GAC promotes fair competition and prevents monopolistic practices that could harm consumer interests or the market environment.¹⁰⁵

The Competition Regulatory Committee (CRC or Committee) is an advisory and decision-making body within the framework of the UAE Competition Law.¹⁰⁶ It is tasked with proposing policies, reviewing exemption requests, and making recommendations to the Ministry of Economy. The Committee ensures that competition rules are effectively applied and offers oversight into competition-related matters. The Committee proposes the general competition policy for the UAE and submits it to the Minister of Economy for approval.¹⁰⁷

The Bahraini Competition Law¹⁰⁸ establishes a structured institutional framework to promote and protect competition within the Kingdom. Various entities and authorities are tasked with specific responsibilities to enforce the law, monitor market activities, and ensure compliance. The primary body responsible for overseeing competition in Bahrain is the Authority for Promotion and Protection of Competition (the Authority). Its key responsibilities among others, are: promoting and protecting competition in the economic activities within Bahrain; monitoring market activities to ensure compliance with competition law, investigating reports and complaints regarding anti-competitive practices, issuing decisions on mergers, acquisitions, and market concentration, as well as approving or rejecting them if they substantially limit competition, providing guidance and advice to companies on whether their practices or arrangements violate the law,¹⁰⁹ engaging in international cooperation with counterpart authorities to address competition issues that cross borders.¹¹⁰

¹⁰⁵ Competition Law of the Kingdom of Saudi Arabia (KSA), 2019, Article 2

¹⁰⁶ Ibid, Article 17.

¹⁰⁷ Ibid, Article 17 (1)

¹⁰⁸ Competition Law of Bahrain, No. 31/2018

¹⁰⁹ Ibid, Article 22

¹¹⁰ Ibid, Article 23

The institutional infrastructure outlined in Qatari Competition Law¹¹¹ specifies the roles and responsibilities of various entities and bodies that ensure the proper application and enforcement of the law. The Committee is the core regulatory body established by the law. This committee monitors, investigates, and regulates competition-related matters in Qatar. The committee observes market practices, ensures that competition is protected, and prevents monopolistic activities. The committee receives complaints and reports of violations related to competition and monopolistic practices, investigates them, and takes necessary action.¹¹² It is responsible for preparing, updating, and maintaining a database on economic activities, conducting necessary studies, and serving as an information hub for competition matters.¹¹³ It coordinates with competition authorities in other countries on matters of mutual interest to prevent anti-competitive practices with international implications.¹¹⁴

4.1. INSTITUTIONAL INFRASTRUCTURE

Analyzing its infrastructure, the Kuwaiti CPA consists of a board that includes a president, a deputy president, and three part-time members appointed by a Minister of Trade and Industry decree. Board members must have at least ten years of experience in economics or commercial law.¹¹⁵ The board members are appointed for a four-year term, renewable once. The Board is responsible for approving policies and procedures to protect competition. It suggests law amendments and expresses opinions on competition-related policies. The Board approves the annual budget, the organizational structure, and the internal regulations of the CPA. It also issues decisions on competition violations, mergers and acquisitions, etc. The board's President is also the head of the CPA and represents the institution in legal and public matters.¹¹⁶ He oversees the implementation of the Board's decisions, ensures compliance with the law and is responsible for bringing cases of violations to the Board. The President may delegate specific powers to the CPA's Executive Manager. The Executive Manager is responsible for the CPA's daily operations and ensures the implementation of the Board's decisions. The CPA has a dedicated Legal Department that is responsible for handling cases and providing legal

¹¹¹ Law Concerning Protection of Competition and Prevention of Monopolistic Practices of Qatar, No. 19/2006

¹¹² *Ibid*, Article 8 (2)

¹¹³ *Ibid*, Article 8 (1))

¹¹⁴ *Ibid*, Article 8 (3)

¹¹⁵ Competition Law of Kuwait, Article 17

¹¹⁶ *Ibid*, Article 20

opinions.¹¹⁷ The Legal Department represents the CPA in courts and arbitration panels. It investigates competition law violations and prepares legal cases for enforcement. The Legal Department can request data, summon witnesses, and audit records to investigate violations. It plays a crucial role in supporting the CPA's enforcement powers.¹¹⁸

The Minister of Trade and Industry (The Minister) appoints the Executive Manager upon the nomination of the Board and serves a four-year term, renewable once.¹¹⁹ The Executive Manager oversees the CPA's internal processes, manages complaints and investigations and implements Board decisions.¹²⁰ The Executive Manager is tasked with gathering evidence, conducting investigations, reviewing market practices, and monitoring agreements or economic concentrations. The Executive Manager also prepares reports, manages the budget, and oversees staff training programs.

Another essential body within CPA is the Disciplinary Board, which is established to impose penalties for competition law violations.¹²¹ This Board comprises five members, including three judges and two economics or legal affairs experts. It handles disciplinary inquiries into violations and adjudicates penalties for non-compliance with competition rules, such as fines. The Disciplinary Board can impose financial penalties on violators. It also handles grievances and appeals against decisions made by the CPA's Board of Directors.¹²²

Finally, the Minister oversees all CPA's work, ensuring its operation is in accordance with the law.¹²³

The Chairman and Governor of GAC in the KSA are crucial in managing the organization's day-to-day operations and ensuring that investigations and enforcement actions are initiated on time. In urgent situations, the Chairman may authorize investigations, searches, and evidence gathering into anti-competitive practices.¹²⁴ This decision must be presented to the Board at its next meeting. The Board approves inquiries, searches, evidence gathering, and investigations into potential law violations.¹²⁵

¹¹⁷ Ibid, Article 30.

¹¹⁸ Ibid, Article 31

¹¹⁹ Ibid, Article 21

¹²⁰ Ibid, Article 22

¹²¹ Ibid, Article 32

¹²² Ibid, Article 33

¹²³ Ibid, Article 15

¹²⁴ Competition Law of the Kingdom of Saudi Arabia (KSA), Article 14

¹²⁵ Ibid, Article 14

As the executive head of GAC, the governor ensures that the policies and directives issued by the Board are implemented and oversees the authority's daily functions.

There is a Committee for Adjudication of Violations within the GAC, a specialized body of experts and legal specialists. It is responsible for ruling on competition law violations and imposing penalties where appropriate. The Committee comprises five members, including three legal specialists, appointed for three-year renewable terms.¹²⁶ The Committee adjudicates violations of the law and imposes penalties for non-compliance, except for certain violations.¹²⁷ Companies sanctioned by the Committee can appeal its decisions before the competent court within 30 days of notification.¹²⁸

GAC appointed Law Enforcement Officers to conduct investigations, gather evidence, and ensure companies comply with competition laws. They have the authority to investigate, gather evidence, and record competition law violations.¹²⁹ They can also enter entities' premises, review documents, and take copies as part of their investigations. Officers can use electronic and computer-generated data, telephone recordings, fax machine correspondence, and email as evidence in competition-related cases.¹³⁰ Entities and businesses operating within Saudi Arabia must comply with the provisions of competition law. This includes cooperating with GAC and its officers during investigations and ensuring they do not engage in anti-competitive behavior. Companies must not obstruct or prevent law enforcement officers from performing their duties, including withholding information or providing misleading data.¹³¹ They must also allow officers to access records and premises as required for the investigation.

The most complex institutional framework established in the Gulf region concerning competition law is that of the UAE, primarily due to the division of the UAE into seven distinct Emirates. As specified above, the Ministry of Economy is quite powerful in implementing Competition Law in the UAE. However, Article 16 establishes the Competition Regulatory Committee (the Committee), with the Cabinet determining its composition and procedures. The following provision defines the Committee's responsibilities, including proposing policies, reviewing exemption applications, and preparing annual reports.¹³²

¹²⁶ Ibid, Article 18

¹²⁷ Ibid, specified in Articles 12 (1) and 24

¹²⁸ Ibid, Article 18

¹²⁹ Ibid, Article 15

¹³⁰ Ibid, Article 15

¹³¹ Ibid, Article 16

¹³² Competition Law of United Arab Emirates (UAE), Article 17

The Relevant Authorities are the competent local authorities that enforce competition law within their jurisdictions. These authorities work alongside the Ministry of Economy, particularly when anti-competitive practices or mergers occur within specific emirates or sectors. They may have overlapped jurisdiction with the Ministry in certain areas, such as local markets or specific industries. Relevant authorities may handle competition issues, including reviewing anti-competitive practices and merger applications, which are limited to their local jurisdiction and do not extend beyond their emirate.¹³³ They are required to inform the Ministry of any decisions made regarding competition issues, allowing for oversight and coordination.¹³⁴ These authorities may participate in investigations into anti-competitive practices or review merger applications in coordination with the Ministry.¹³⁵ Article 21 establishes the role of Relevant Authorities in considering anti-competitive practices and mergers at the local level and their obligation to coordinate with the Ministry of Economy.

The Centre's Board in Oman plays a key governance role in administering and overseeing the Centre's activities. It ensures that the Centre's functions align with the overall goals of competition protection and provides strategic direction for enforcing the law. The Board, led by its chairman, is responsible for key decision-making activities within the Centre.¹³⁶ It sets the criteria for determining dominant market positions and evaluating market control.¹³⁷ This enables the Board to identify cases of anti-competitive behavior and address potential monopolistic practices. The regulations determine instances of domination or control over the concerned market as per criteria regulating the market structure. The law requires the Chairman of the Board to issue the regulations and resolutions necessary for executing the law's provisions within six months of its promulgation.¹³⁸ This ensures that the law is implemented effectively. The Chairman of the Board shall render this regulation following approval from both the Board and the Ministerial Cabinet.

4.2. IS INDEPENDENCE DOABLE?

Many have written about institutional challenges, particularly the different layers of independence NCAs should enjoy when enforcing the law in order to issue un-

¹³³ Ibid, Article 21

¹³⁴ Ibid, Article 21 (3)

¹³⁵ Ibid, Article 21 (2)

¹³⁶ Competition Law of Oman, Article 1

¹³⁷ Competition Law of Oman, Article 6

¹³⁸ Competition Law of Oman, Article 28

biased decisions.¹³⁹ Upon closer examination, it becomes evident that all entities directly involved in competition law are either physically situated within governmental ministries or must adhere directly to the directives issued by the relevant ministry.

The Kuwaiti Competition Law explicitly states that the CPA is an independent legal entity supervised by the Minister of Trade and Industry.¹⁴⁰ What this independence entails is unknown. However, the law again emphasizes that the Minister oversees all CPA's work, ensuring its operation follows the law.¹⁴¹ In Bahrain, the Competition Authority is established as a public institution with juridical personality and financial and administrative independence, although it operates under the oversight of the Minister of Commerce.¹⁴² The Minister of Commerce oversees the Authority, ensuring it operates per state policies and the law. While the Authority operates independently in day-to-day affairs, the Minister controls significant decisions and policy directions.

The Ministry of Economy plays a central role in enforcing the UAE Competition Law.¹⁴³ It is responsible for overseeing competition policy, investigating violations, reviewing mergers, and issuing decisions related to anti-competitive behavior.¹⁴⁴ The Ministry has broad powers to ensure compliance with the law and promote fair competition in the UAE market.¹⁴⁵ The Ministry is tasked with applying the competition policy across various sectors, ensuring that businesses adhere to the principles of fair competition.¹⁴⁶ It has the authority to investigate anti-competitive practices based on complaints or ex officio. This includes gathering evidence, conducting investigations, and taking action against violators.¹⁴⁷ The Ministry is also responsible for reviewing applications for mergers and acquisitions that may affect competition. It assesses the potential impact of economic concentrations and decides whether to approve, conditionally approve, or reject them.¹⁴⁸

¹³⁹ Clark, J., *Competition advocacy: challenges for developing countries*. OECD Journal: competition law and policy 6.4, 2005, pp 69-80, see also Kovacic, W.; and Hyman, D., *Competition Agency Design: What's on the Menu?*, European Competition Journal 8.3, 2012, pp 527-538

¹⁴⁰ Competition Law of Kuwait, Article 15

¹⁴¹ Ibid, Article 15

¹⁴² Competition Law of Bahrain, Article 17

¹⁴³ The Federal Decree-Law No. (36) of 2023 Regulating Competition in the UAE;

¹⁴⁴ Competition Law of United Arab Emirates, Article 18

¹⁴⁵ Ibid, Article 18

¹⁴⁶ Ibid, Article 18 (1)

¹⁴⁷ Ibid, Article 18 (4)

¹⁴⁸ Ibid, Article 13; Article 15

The Ministry of Economy and Commerce in Qatar plays a central role in overseeing and implementing the competition law. It is the main governmental body responsible for the overall execution and enforcement of the provisions laid out in the law. The Minister of Economy and Commerce is responsible for issuing decrees and regulations necessary to implement the law.¹⁴⁹ The Minister has the authority to grant exemptions from competition rules when it is in the interest of consumers or when the concerned parties request it.¹⁵⁰ The Minister can permit the compounding of violations before a final judgment, reducing the penalties by allowing the violators to pay a fine to settle the matter.¹⁵¹ The Ministry and its Minister act as the primary authority to oversee competition policies, handle requests for exemptions, and ensure that market practices align with the goals of the competition law. They issue necessary bylaws, approve decisions, and coordinate with the Committee for the Protection of Competition and Prevention of Monopolistic Practices (the Committee).

5. CONCLUSION

The competition law frameworks in the GCC countries reflect a blend of international influences, primarily inspired by the EU, U.S. antitrust models, and organizations such as the WTO and OECD etc. However, these laws are tailored to meet the region's requirements and needs. As GCC nations pursue diversification strategies to reduce oil reliance, competition laws have become vital tools to promote market efficiency, protect consumer welfare, ensure fairness, and foster innovation.

While the core pillars of competition law—anticompetitive agreements, abusive conduct, and merger control—align with those in developed jurisdictions, the nuances of their implementation reflect the region's specific challenges. The varying degrees of independence in national competition authorities further influence the effectiveness of enforcement. Striking the right balance between ministerial oversight and autonomous enforcement remains a key area for future reform.

As the GCC states strive for economic diversification and sustainable growth, competition laws are critical in shaping fair, efficient, and innovative markets. Continued refinement of these legal and institutional frameworks will be essential to achieving long-term economic transformation in the region.

¹⁴⁹ Competition Law of Qatar 2006, Article 19

¹⁵⁰ Ibid, Article 5

¹⁵¹ Ibid, Article 16

REFERENCES

BOOKS AND ARTICLES

1. Baker, J., *The Antitrust Paradigm: Restoring a Competitive Economy*, Harvard University Press, 2019
2. Belloso, Natalia.; Nicolas, Petit., *The EU Digital Markets Act (DMA): a competition hand in a regulatory glove*, SSRN 4411743, 2023
3. Bonakele, T., *The Developmental State, Competition Law, and Economic Inclusion*, South African Journal of International Affairs, 2014
4. Casoria, M., *Competition law in the GCC countries: The tale of a blurry enforcement*, Chinese Business Review, 2017, 16(3), pp 141-149
5. Cavenaile, L.; Celik, M.; Tian, X., *The dynamic effects of antitrust policy on growth and welfare*, Journal of Monetary Economics 121, 2021, pp 42-59
6. Clark, J., *Competition advocacy: challenges for developing countries*. OECD Journal: competition law and policy 6.4, 2005, pp 69-80, see also Kovacic, W.; and Hyman, D., *Competition Agency Design: What's on the Menu?*, European Competition Journal 8.3, 2012, pp 527-538
7. Crane, D., *Antitrust as an Instrument of Democracy*, Duke LJ Online 72, 2022
8. Federal Trade Commission., [FTC proposes rule to ban noncompete clauses, which hurt workers and harm competition]. January 4 (2023): 2023, accessed 10 May 2024; See also, Posner, E., *The antitrust challenge to covenants not to compete in employment contracts*, Antitrust Law Journal 83.1, 2020, pp 165-200
9. Fox, E., *Global Markets, Competition, and Developing Economies*, Antitrust Law Journal, 2012
10. Fox, Eleanor M., "Global Markets, Competition, and Developing Economies," in Antitrust Law Journal (2012)
11. Fox, Eleanor M., *The Efficiency Paradox How the Chicago School overshot the mark: The effect of conservative economic analysis on U.S. Antitrust*, R. Pitofsky, ed., Oxford, p. 77, 2008, NYU Law and Economics Research Paper No. 09-26, SSRN [<https://ssrn.com/abstract=1431558>] July 8 2009 Accessed December 2023
12. Frédéric, J., *Competition Law and Developing Economies: A Hopeful Roadmap*, Journal of Competition Law & Economic, 2012
13. Gal, M., *Antitrust in a Globalized Economy: The Unique Enforcement Challenges Faced by Small and Developing Economies*, Fordham International Law Journal, 2010
14. Gal, M., *Competition Policy for Small Market Economies*, 2003
15. Gal, M., *The Optimal Goals of Competition Law*, Antitrust Bulletin, 2004
16. Gray, M., *A theory of 'late rentierism' in the Arab states of the Gulf*, CIRS Occasional Papers, 2011
17. Hovenkamp, H., *The Slogans and Goals of Antitrust Law*, NYUJ Legis. & Pub. Pol'y 25, 2022
18. Hovenkamp, H.; Morton, F., *Framing the Chicago School of antitrust analysis*, U. Pa. L. Rev. 168, 2019:
19. Khan, L., *Amazon's antitrust paradox*, Yale lj, 2016, pp 126-710

20. Khan, L., *Promises of Antitrust*, Georgetown Law, 2023, [<https://www.law.georgetown.edu/news/ftc-chair-lina-khan-discusses-the-promises-of-antitrust-at-georgetown-law/>], Accessed July 17 2024 see also Khan, L., *Amazon's Antitrust Paradox*, Yale Law Journal
21. Klaudia, M.; Robertson, V.; *The twin transition to a green and digital economy: The role for EU competition law. Research Handbook on Sustainability and Competition Law*, Edward Elgar Publishing, 2024, pp 194-210
22. Kovacic, W., *The Institutions of Antitrust Law: How Structure Shapes Substance*, Mich. L. Rev, 2011 see also Kovacic, W., *Institutional Foundations for Economic Legal Reform in Transition Economies: The Case of Competition Policy and Antitrust Enforcement*, Chi.-Kent L. Rev., 77, 265, 2001
23. Kovacic, W.; Lopez-Galdos, M., *Lifecycles of competition systems: explaining variation in the implementation of new regimes*, Law & Contemp, Probs 79, 2016, pp 85
24. Lianos, I., *Competition Law for the Digital Era*, Handbook on European Competition Law, 2021
25. Malinauskaite, Jurgita., *Competition law and sustainability: EU and national perspectives*, Journal of European Competition Law & Practice 13.5, 2022, pp 336-348
26. Matallah, S., *Economic diversification and governance challenges in MENA oil exporters: A comparative analysis*, The Journal of Economic Asymmetries 26, 2022
27. Memeti, N. *From Legislation to Enforcement: Tackling Digital Acquisitions in the Gulf Region. DISO* 3, 67 (2024). [<https://doi.org/10.1007/s44206-024-00152-9>] Accessed 27 December 2024.
28. Memeti, N., *Discretionary Powers in Merger Control*, (forthcoming, Arab Law Quarterly)
29. Roberts, S., *Economic Development, Competition and Industrial Policy in South Africa*, Competition Policy International, 2011
30. Shapiro, C., *Antitrust in a Time of Populism*, International Journal of Industrial Organization, vol. 61, 2018, pp 714-748
31. Spulber, D., *Antitrust and innovation competition*, Journal of Antitrust Enforcement ,11.1, 2023, pp 5-50
32. Waked, D., *Antitrust goals in developing countries: policy alternatives and normative choices*, Seattle UL, Rev. 38, 2014, pp 945
33. Waked, D., *Competition law in the developing world*, Global Antitrust Review, 2008, pp 69-96
34. Whish, R.; Bailey, D., *Competition Law*, 9th edition, 2018
35. Wu, T., *The Curse of Bigness: Antitrust in the New Gilded Age*, Columbia Global Reports, 2018

EU LAW

1. Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community [2007] OJ C306/01,

LIST OF NATIONAL REGULATIONS, ACTS AND COURT DECISIONS

1. Competition Law of the Kingdom of Saudi Arabia (KSA), 2019
2. Competition Protection Law of Kuwait No. 72/2020
3. The UAE Federal Decree-Law No. (36) of 2023 Regulating Competition
4. Law Concerning Protection of Competition and Prevention of Monopolistic Practices of Qatar, No. 19/2006
5. Competition Law of Bahrain
6. Competition law of Oman
7. The Clayton Act, U.S.

WEBSITE REFERENCES

1. Albrecht, B.; Auer, D.; Manne, G., *Labor Monopsony and Antitrust Enforcement: A Cautionary Tale*, Available at SSRN 4818412, 2024
2. Alkesh Sharma, *Everything you need to know about the UAE's competition regulation law?*, 2024, [<https://www.thenationalnews.com/business/economy/2024/07/12/everything-you-need-to-know-about-the-uaes-competition-regulation-law/#:~:text=The%20law%2C%20which%20has%20replaced,any%20act%20that%20would%20distort%2C>] Accessed September 13, 2024
3. Approaches to and Challenges in Implementing Competition Law and Policy in the Arab World, 15/06/2023, [<https://www.freiheit.org/middle-east-and-north-africa/approaches-and-challenges-implementing-competition-law-and-policy-arab>], Accessed April 28 2024
4. Arab Human Development Report 2022: *Expanding Opportunities for an Inclusive and Resilient Recovery in the Post-Covid Era* [<https://www.undp.org/arab-states/publications/arab-human-development-report-2022-expanding-opportunities-inclusive-and-resilient-recovery-post-covid-era>] Accessed 17 June 2023
5. Baschuk, B.; *Here's What It Means to Be a WTO Developing Country*, [<https://www.bloomberg.com/news/articles/2019-11-14/here-s-what-it-means-to-be-a-wto-developing-country-quicktake?sref=p1whY86y>] Accessed 9 February 2024
6. Bradford, A., *The Brussels effect: How the European Union rules the world*, Oxford University Press, USA, 2020 See also Europe, regulator of the world, A&O SHERAMAN available at [<https://www.aoshearman.com/en/insights/global-business-in-a-changing-europe/europe-regulator-of-the-world>] Accessed 11 April 2024
7. Cherif, R.; Hasanov, F.; *Soaring of the Gulf Falcons: Diversification in the GCC oil exporters in seven propositions*, International Monetary Fund, <https://www.imf.org/en/Publications/WP/Issues/2016/12/31/Soaring-of-the-Gulf-Falcons-Diversification-in-the-GCC-Oil-Exporters-in-Seven-Propositions-42365>, 2014 Accessed 6 June 2024

8. Country Composition of WEO Groups, *World Economic Outlook Database Groups and Aggregates Information*, [https://www.imf.org/en/Publications/WEO/weo-database/2023/April/groups-and-aggregates] Accessed 13 April 2024
9. *Digital Competition Regulations Around the World*, [https://laweconcenter.org/spotlights/digital-competition-regulations-around-the-world] Accessed 3 April 2023;
10. Draghi's report on aiming at closing the innovation gap with the United States and China, Address by Mr. Draghi Presentation of the report on the Future of European competitiveness – European Parliament – Strasbourg – 17 September 2024 [https://commission.europa.eu/document/download/fcbc7ada-213b-4679-83f7-69a4c2127a25_en?filename=Address%20by%20Mario%20Draghi%20at%20the%20Presentation%20of%20the%20report%20on%20the%20future%20of%20European%20competitiveness.pdf] Accessed 10 November 2024
11. Hamadeh, N.; Rompaey, C.; Metreau, E.; *World Bank Group country classifications by income level for FY24*, [https://blogs.worldbank.org/en/opendata/new-world-bank-group-country-classifications-income-level-fy24] (July 1, 2023- June 30, 2024), June 2023 Accessed 4 November 2024.
12. Healey, D.; *Competitive neutrality: the concept. In Competitive Neutrality and its Application in Selected Developing Countries, United Nations Conference on Trade and Development, UNCTAD Research Partnership Platform Publication Series*, United Nations, Geneva, 2014 Accessed 9 February 2024
13. Hertog, S.; *Reforming wealth distribution in Kuwait: estimating costs and impacts*, [https://eprints.lse.ac.uk/105564/2/Reforming_Wealth_Distribution_in_Kuwait_New.pdf], 2020 Accessed February 2023
14. IMF, *Gulf Cooperation Council Economic Prospects and Policy priorities for the GCC Countries*, [https://www.imf.org/en/Publications/CR/Issues/2023/12/14/Gulf-Cooperation-Council-Economic-Prospects-and-Policy-Challenges-for-the-GCC-Countries-542513?], Accessed 16 May 2024
15. Keynote speech delivered by EVP Vestager for the Keystone Conference: [A Triple Shift for competition policy] available at https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_23_1342, Mar.2.2023 Accessed 10 May 2023
16. McKenna, F.; *What Made the Chicago School So Influential in Antitrust Policy, 2017*, [https://www.chicagobooth.edu/review/what-made-chicago-school-so-influential-antitrust-policy;] Accessed June 19, 2024
17. Neal, J., *Four Questions with FTC Chair Lina Khan*, 2024, [https://hls.harvard.edu/today/ftc-chair-lina-khan-discusses-ai-antitrust-concerns-at-harvard-law-school/], Accessed July 4 2024
18. Policy Statement, *Scope of Unfair Methods of Competition Under Section 5 of the Federal Trade Commission Act*, Commission File No. P221202, 2022, [https://www.ftc.gov/system/files/ftc_gov/pdf/P221202Section5PolicyStatement.pdf;], Accessed June 19, 2024
19. Righini, E.; Calzado, J.; Little, D.; Bichet, P.; (Latham & Watkins LLP), *The European Green Deal & Competition Policy – Call for contributions on how EU competition rules and sustainability policies can work together*, [https://competitionlawblog.kluwercompetitionlaw.com/2020/10/19/the-european-green-deal-competition-policy-call-for-contributions-on-

- how-eu-competition-rules-and-sustainability-policies-can-work-together/] October 19, 2020 Accessed September 3 2024
20. Robert D. Anderson, William E. Kovacic, Anna Caroline Müller and Nadezhda Sporysheva, *Competition Policy, Trade and the Global Economy: Existing WTO Elements, Commitments in Regional Trade Agreements, Current Challenges and issues for Reflection* [https://www.wto.org/english/res_e/reser_e/ersd201812_e.pdf] 2018, Accessed May 17, 2024
 21. Saudi Vision 2030 [https://www.vision2030.gov.sa/en] Accessed 15 April 2024
 22. Shapiro, C.; *Using Economics To Diagnose a Lessening of Competition*, 2024, [https://www.promarket.org/author/carl_shapiro/], Accessed September 2, 2024.
 23. Speech by Kholify, *The Fourth Arab Competition Forum, Kingdom of Saudi Arabia*, 23-24/05/2023, Organized by UNESCWA, [https://www.unescwa.org/sites/default/files/event/materials/ACF%20Report%20En.pdf] Accessed 3 March 2024
 24. Speech by Rashed Alajmi, *The third Arab Competition Forum, organized in Oman by Economic and Social Commission for Western Asia (ESCWA)*, 24/04/2022, [https://www.kuna.net.kw/ArticleDetails.aspx?id=3039900&Language=en] Accessed 3 March 2024
 25. Statement by Commissioner Vestager, [Commission decision to fine Google €2.42 billion for abusing dominance as search engine by giving illegal advantage to own comparison shopping service], [https://ec.europa.eu/commission/presscorner/detail/de/STATEMENT_17_1806] June 2017 Brussels, Accessed 10 July 2023
 26. Statement by Executive Vice-President Vestager on the [Commission proposal on new rules for digital platforms], available at https://ec.europa.eu/commission/presscorner/detail/en/statement_20_2450, Dec 15, 2020, Accessed February 12, 2023
 27. The Arab Business Legislative Frameworks, *Competition law*, [https://unescwa.org/sites/default/files/inline-files/ABLF-2023-competition-law-overview-english_2.pdf?], Accessed 12 May 2023
 28. UAE vision 2031 [https://u.ae/en/about-the-uae/strategies-initiatives-and-awards/strategies-plans-and-visions/innovation-and-future-shaping/we-the-uae-2031-vision] Accessed 23 April 2024
 29. *Unlocking Diversification in The GCC States*, World Governments Summit, 2024, [https://www.worldgovernmentsummit.org/observer/reports/2024/detail/unlocking-diversification-in-the-gcc-states?], Accessed September 3 2024