

Law No. (5) of 2023
Establishing the Dubai Corporation for
Consumer Protection and Fair Trade¹

We, Mohammed bin Rashid Al Maktoum, Ruler of Dubai,

After perusal of:

Federal Law No. (4) of 2012 Regulating Competition;

Federal Law No. (19) of 2016 Combating Commercial Fraud;

Federal Law by Decree No. (14) of 2018 Concerning the UAE Central Bank and Regulating Financial Institutions and Services and its amendments;

Federal Law No. (15) of 2020 Concerning Consumer Protection;

Federal Law No. (11) of 2021 Concerning Regulation and Protection of Industrial Property Rights;

Federal Law by Decree No. (32) of 2021 Concerning Commercial Companies;

Federal Law by Decree No. (36) of 2021 Concerning Trademarks;

Federal Law by Decree No. (38) of 2021 Concerning Copyright and Related Rights;

Federal Law by Decree No. (45) of 2021 Concerning Protection of Personal Data;

Federal Law No. (3) of 2022 Regulating Commercial Agencies;

Federal Law by Decree No. (50) of 2022 Issuing the Law of Commercial Transactions;

Law No. (3) of 2003 Establishing the Executive Council of the Emirate of Dubai;

Law No. (22) of 2009 Concerning the Central Register of Corporations and Companies in the Emirate of Dubai;

Law No. (13) of 2011 Regulating the Conduct of Economic Activities in the Emirate of Dubai and its amendments;

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¹Every effort has been made to produce an accurate and complete English version of this legislation. However, for the purpose of its interpretation and application, reference must be made to the original Arabic text. In case of conflict, the Arabic text will prevail.

Law No. (1) of 2016 Concerning the Financial Regulations of the Government of Dubai, and its Implementing Bylaw and its amendments;

Law No. (8) of 2018 Concerning Management of the Government of Dubai Human Resources;

Law No. (5) of 2021 Concerning the Dubai International Financial Centre;

Law No. (20) of 2021 Establishing the Department of Economy and Tourism in the Emirate of Dubai;

Decree No. (22) of 2009 Concerning Special Development Zones in the Emirate of Dubai;

Decree No. (25) of 2013 Concerning the Event eLicensing and eTicketing System in the Emirate of Dubai and its amendments;

Executive Council Resolution No. (13) of 2011 Approving Fees and Fines of the Department of Economic Development;

Executive Council Resolution No. (48) of 2014 Approving the Fees and Fines Related to Hotel Establishments;

Executive Council Resolution No. (10) of 2016 Approving the Organisational Structure of the Department of Economic Development; and

The legislation establishing and regulating free zones in the Emirate of Dubai,

Do hereby issue this Law.

Title of the Law

Article (1)

This Law will be cited as “Law No. (5) of 2023 Establishing the Dubai Corporation for Consumer Protection and Fair Trade”.

Definitions

Article (2)

The following words and expressions, wherever mentioned in this Law, will have the meaning indicated opposite each of them unless the context implies otherwise:

Emirate: The Emirate of Dubai.

Executive Council:	The Executive Council of the Emirate of Dubai.
DET:	The Department of Economy and Tourism in the Emirate of Dubai.
Director General:	The director general of the DET.
DCCPFT:	The Dubai Corporation for Consumer Protection and Fair Trade established pursuant to this Law.
CEO:	The chief executive officer of the DCCPFT.
Economic Activity:	This includes any commercial, industrial, tourism, artisan, occupational, agricultural, service, or other for-profit activity authorised in the Emirate in accordance with the legislation in force.
Commercial Establishment:	Any company or sole proprietorship issued with a Commercial Licence to conduct an Economic Activity in the Emirate, or within any zone therein, or through any digital business platform licensed therein.
Fair Trade:	A trading system aimed at achieving economic stability and security by preventing practices that are detrimental to trade, markets, and Consumers; preventing the implementation of Restrictive Agreements and establishment of Dominant Positions; and curbing any monopolistic behaviours and any practices that adversely affect Competition, result in withholding Commodities and Services from the market, or negatively impact Economic Activities or Consumers.
Regulatory Body:	Any Government Entity legally authorised to undertake Commercial Control in the Emirate.
Commercial Control:	A set of non-technical procedures and measures taken by a Regulatory Body to conduct the audit and inspection of Economic Activities and Commercial Establishments to verify their compliance with the legislation in force in the Emirate, and with the terms of the Commercial Licences and activity permits of these establishments.

Commercial Licence:	A document issued by the competent commercial licensing authority whereby a Commercial Establishment is authorised to conduct an Economic Activity.
Competition:	Conducting an Economic Activity in accordance with market mechanisms without any interference or restrictions that may be detrimental to trade or development.
Restrictive Agreement:	Any written or oral, explicit or implicit, and overt or covert understanding, contract, arrangement, alliance, practice, or cooperation between Commercial Establishments, which constitutes an act of infringement, restriction, or prevention of Competition.
Dominant Position:	A situation in which a Commercial Establishment is able, either alone or in collaboration with others, to control or influence the market.
Economic Concentration:	Any act resulting in the transfer, in whole or in part, of ownership, rights, or obligations, whether by merger or acquisition, from one Commercial Establishment to another, in a manner that enables a Commercial Establishment or a group of Commercial Establishments to exercise direct or indirect control over another Commercial Establishment or group of Commercial Establishments.
Consumer:	A natural or legal person who obtains a Commodity or Service, whether with or without consideration, to meet his needs or the needs of others; or who enters into a transaction or contract in relation to a Commodity or Service.

Establishment of the DCCPFT

Article (3)

Pursuant to this Law, a public corporation named the "Dubai Corporation for Consumer Protection and Fair Trade" is established. The DCCPFT will have legal personality, and the legal capacity required to undertake all acts and dispositions that ensure the achievement of its objectives. The DCCPFT is hereby affiliated to the DET.

Head Office of the DCCPFT
Article (4)

The head office of the DCCPFT will be located in the Emirate. Other branches and offices of the DCCPFT may be established within the Emirate pursuant to a resolution of the Director General.

Objectives of the DCCPFT
Article (5)

The DCCPFT will have the following objectives:

1. to contribute to the creation of a stimulating investment environment in the Emirate based on Fair Trade and legitimate Competition;
2. to ensure the economic stability of the Emirate by protecting Consumer rights and promoting the interests of the business sector;
3. to enhance the competitiveness of business practices in the Emirate and curb harmful negative practices, such as Restrictive Agreements, unfair exploitation, Dominant Positions, and Economic Concentration;
4. to improve the system of Commercial Control processes in all economic sectors with a view to promoting the highest interests of the Emirate; ensuring justice, transparency, and Competition; and supporting market mechanisms; and
5. to standardise and streamline Commercial Control processes in local markets.

General Functions of the DCCPFT
Article (6)

For the purpose of achieving its objectives, the DCCPFT will, in coordination and cooperation with the concerned federal and local entities where necessary, have the general duties and powers to:

1. develop strategic plans and general policies for upholding the principles of Competition and Fair Trade, protecting the rights of Consumers and of the business sector, and curbing Economic Concentration; and present the same to the Director General for approval, in preparation for final approval by the Executive Council;

2. implement the policies, programmes, and initiatives aimed at protecting Consumer rights and accomplishing Fair Trade, in line with the comprehensive strategic plans for economic development in the Emirate;
3. consider, review, and propose the legislation related to Consumer protection, Fair Trade, and competitiveness promotion; and submit the same to the competent entities in the Emirate to take the appropriate action in respect thereof;
4. protect intellectual property rights, raise the business sector's awareness of the importance of registering the same and ways of protecting them, and consider complaints related to the violation of these rights;
5. participate in supporting and stimulating the business environment in the Emirate, and propose appropriate solutions to address the challenges facing Commercial Establishments;
6. consider and determine the complaints filed with it by Commercial Establishments or Consumers, and mediate amicable settlements between the parties to these complaints to ensure the continuity of business and protection of rights;
7. organise awareness campaigns on Consumer rights, Fair Trade, and legitimate Competition;
8. regulate the pricing of Commodities and Services in times of emergencies, crises, and disasters; and propose appropriate solutions to secure the Emirate's needs for Commodities at the times during which the strategic stock of Commodities in the Emirate may be affected;
9. cooperate and coordinate with other Regulatory Bodies to enhance the competitiveness and the investment environment of the Emirate;
10. develop a mechanism for cooperation and coordination with federal entities, with the aim of unifying inspection operations and procedures, and facilitating and protecting business in the Emirate;
11. hold trade exhibitions and events related to Consumer protection, Fair Trade, and Commercial Control; and organise trade conferences and missions, marketing visits, and training programmes and workshops at the local, national, and international levels; and
12. exercise any other duties or powers required for the achievement of the objectives of the DCCPFT, as assigned to it by the Executive Council.

Commercial Control Functions of the DCCPFT
Article (7)

- a. The DCCPFT will undertake, in accordance with the federal and local legislation in force in the Emirate, Commercial Control over all the Economic Activities and Commercial Establishments licensed by the DET. In particular, the DCCPFT will have the authority to:
1. propose regulatory procedures for Commercial Control operations in the business sector and submit the same to the Director General for approval;
 2. seize counterfeit and fake goods and dispose of them through destruction, recycling, or returning them to their source, as the case may be;
 3. combat commercial fraud and eliminate its causes;
 4. form committees and work teams specialised in the field of Commercial Control in cooperation with other Regulatory Bodies and the private sector;
 5. conduct inspection campaigns in coordination with other Regulatory Bodies, record the outcomes of these campaigns, and prepare the necessary reports regarding them;
 6. implement electronic connection between the DCCPFT and other Regulatory Bodies to enhance the effectiveness of Commercial Control in the Emirate; and
 7. exercise any other duties or powers stipulated in the legislation in force in the Emirate, as required for the achievement of the objectives of the DCCPFT.
- b. Notwithstanding the provisions of paragraph (a) of this Article, the DCCPFT may, upon the request of the Regulatory Body of a free zone, undertake Commercial Control within that zone. The relationship between the DCCPFT and the Regulatory Body must be regulated pursuant to an agreement which provides for the rights and obligations of the parties, as well as the mechanism for conducting Commercial Control duties in the zone subject to its supervision.

Fair Trade and Competition Protection
Functions of the DCCPFT
Article (8)

The DCCPFT will, in accordance with the federal and local legislation in force and in coordination and cooperation with the concerned federal and local government entities, supervise the implementation of Fair Trade rules, promote Competition and intellectual property, and combat monopolistic practices in all zones across the Emirate, including in the free zones but subject to the legislation in force therein. In particular, the DCCPFT will have the authority to:

1. monitor markets and Commercial Establishments with a view to detecting any practices that are detrimental to intellectual property, Fair Trade, or Competition; and preventing any negative practices that contradict the legislation regulating intellectual property, Fair Trade, and Competition.
2. develop and implement the procedures and measures required for curbing the practices or acts that are detrimental to Fair Trade, Competition, or intellectual property, such as Restrictive Agreements, unfair exploitation, Dominant Positions, and other monopolistic practices;
3. request information and data from Commercial Establishments, investigate any negative practices that may be detrimental to Competition or intellectual property, and uphold the principles of competitive market in the Emirate; and
4. announce, where required and in the manner and using the means determined by the DCCPFT, the violations related to Fair Trade, Competition, and intellectual property committed by Commercial Establishments, as well as the penalties and measures taken against these establishments; and
5. exercise any other duties or powers stipulated in the legislation in force in the Emirate, as required for the achievement of the objectives of the DCCPFT.

Consumer Protection Functions of the DCCPFT
Article (9)

The DCCPFT will, in accordance with the federal and local legislation in force, protect and preserve Consumer rights, and promote sound consumption patterns throughout the Emirate, including in free zones. In particular, the DCCPFT will have the authority to:

1. raise awareness within the business sector about Consumer rights, and safeguard the security and confidentiality of Consumers' Personal Data and prohibit its unauthorised use for commercial or promotional purposes without obtaining prior consents from the Consumers;
2. resolve Consumer complaints, raise the Consumers' awareness on their rights and obligations, and protect them from misleading practices;
3. monitor, and verify the credibility of, promotional events, offers, sales, and raffle draws in order to protect Consumer rights;
4. take the necessary measures to ensure the protection of Consumer rights, through creating a favourable environment for the purchase of Commodities and Services; and
5. exercise any other duties or powers stipulated in the legislation in force in the Emirate, as required for the achievement of the objectives of the DCCPFT.

Functions of the DCCPFT in Emergencies

Article (10)

The DCCPFT may, in accordance with the cases, grounds, and rules adopted pursuant to the relevant resolution of the Director General, take the actions and measures required for minimising any impact of emergency circumstances on the market. These actions and measures include:

1. restraining any unusual increase in the prices of essential Commodities and necessary Services;
2. stopping any violation or infringement of Consumer rights and any act causing harm to Consumers;
3. preventing any monopolistic practices; and
4. taking any other actions or measures prescribed by the legislation in force in the Emirate.

Scope of the DCCPFT Functions

Article (11)

- a. The DCCPFT will exercise its functions in relation to Commercial Control, Fair Trade, Competition, Consumer protection, and any other activities or areas specified in the relevant resolutions of the Chairman of the Executive Council, in accordance with the federal and local

legislation in force in the Emirate and the rules stipulated in this Law and the resolutions issued in pursuance hereof.

- b. The scope of the functions vested in the DCCPFT under this Law does not cover the following activities and areas:
 - 1. the Financial Activities governed by the above-mentioned Federal Law by Decree No. (14) of 2018; and
 - 2. the Financial Services and Ancillary Services governed by the above-mentioned Law No. (5) of 2021.

Confidentiality of Data and Information

Article (12)

Subject to disciplinary, criminal, and civil liability, as the case may be, the CEO and Employees of the DCCPFT must, during their service period and thereafter:

- 1. maintain the confidentiality of the data and information they access, in their capacity as holders of their posts or as a result of holding the same, as well as the private data and information provided to them by Commercial Establishments and Consumers; and
- 2. not use the data and information referred to in sub-paragraph (1) of this Article beyond the limits of their assigned duties; and not disclose, or allow third parties to access, these data and information except in the cases prescribed by law or as required by the competent judicial authorities.

Obligations of Commercial Establishments

Article (13)

In addition to the obligations stipulated in the federal and local legislation in force in the Emirate, a Commercial Establishment must:

- 1. comply with the instructions issued by the DET, the DCCPFT, and the concerned entities in the Emirate;
- 2. not infringe upon the rights of Consumers, and ensure the quality of the Commodities and Services provided to them;

3. comply with the terms and conditions for conducting the Economic Activity subject of the Commercial Licence issued to it;
4. enable the DCCPFT Employees, and those authorised by it, to enter the premises of the Commercial Establishment and access its data and records as required to perform their job duties;
5. fully cooperate with the DCCPFT, including by providing it with the data and information it requests; and reviewing the complaints referred to it by the DCCPFT and responding to them within the deadlines set by the DCCPFT;
6. remedy all violations it commits within the time limit prescribed by the DCCPFT. Where the Commercial Establishment fails to remedy a violation it commits, the DCCPFT may remedy that violation and hold the Commercial Establishment liable for all costs incurred, in addition to administrative charges of twenty percent (20%) of these costs. The estimation of these costs and charges by the DCCPFT will be final; and
7. perform any other obligations prescribed by the relevant resolutions issued by the Chairman of the Executive Council.

Executive Body of the DCCPFT

Article (14)

- a. The executive body of the DCCPFT will be comprised of the CEO and a number of administrative, finance, and technical Employees.
- b. The above-mentioned Law No. (8) of 2018 and the resolutions issued in pursuance thereof will apply to the Employees of the DCCPFT.

Appointment and Functions of the CEO

Article (15)

- a. A CEO will be appointed to the DCCPFT pursuant to a resolution of the Chairman of the Executive Council.
- b. The CEO will be directly responsible to the Director General for exercising the duties and powers assigned to him under this Law, the resolutions issued in pursuance hereof, and other legislation in force in the Emirate.

- c. The CEO will supervise the work and activities of the DCCPFT in a manner that ensures the achievement of its objectives. In particular, the CEO will have the duties and powers to:
1. propose the strategic plans and general policies for upholding the principles of Competition and Fair Trade, and protecting the rights of Consumers and of the business sector; and present the same to the Director General for approval, in preparation for final approval by the Executive Council;
 2. propose the policies and plans related to the work of the DCCPFT, and submit them to the Director General for approval;
 3. take the necessary actions to implement the approved policies and strategic and operational plans; and submit the relevant periodic reports to the Director General;
 4. prepare the draft annual budget and Financial Statements of the DCCPFT; and submit the same to the Director General for approval, in preparation for final approval by the competent entity in the Emirate;
 5. propose the organisational structure of the DCCPFT, and submit it to the Director General for approval and subsequent presentation to the competent entities for final approval;
 6. propose the resolutions, regulations, and bylaws governing the financial, administrative, and technical work of the DCCPFT; and submit the same to the Director General for approval;
 7. supervise the daily work of the executive body of the DCCPFT, recommend to the Director General the appointment of competent and specialised Employees, and follow up their performance;
 8. achieve the required performance outcomes, and submit performance reports to the Director General to take the necessary action in respect thereof;
 9. represent the DCCPFT before third parties; and conclude the contracts, agreements, and memoranda of understanding required for the achievement of the objectives of the DCCPFT, within the limits of the powers vested in him pursuant to this Law or delegated to him by the Director General; and
 10. exercise any other duties or powers assigned or delegated to him by the Director General, as required for the achievement of the objectives of the DCCPFT.

- d. The CEO may delegate to any of the DCCPFT Employees any of his powers under paragraph (c) of this Article, provided that such delegation is specific, in writing, and in accordance with the relevant approval powers chart approved by the Director General.

Financial Resources of the DCCPFT Article (16)

The financial resources of the DCCPFT will consist of:

1. the financial appropriations allocated to the DCCPFT in the annual budget of the DET;
2. any other resources secured by the DCCPFT through performing its activities and providing its services; and
3. any other resources approved by the Chairman of the Executive Council.

Cooperation with the DCCPFT Article (17)

All Government Entities in the Emirate must fully cooperate with the DCCPFT to enable it to achieve its objectives and exercise the duties and powers assigned to it under this Law, the resolutions issued in pursuance hereof, and other legislation in force in the Emirate. All Government Entities must provide the DCCPFT, upon request, with all forms of support.

Outsourcing the DCCPFT Functions Article (18)

The DCCPFT may, in accordance with the legislation in force in the Emirate and subject to the approval of the DET, outsource any of its functions under this Law and the resolutions issued in pursuance hereof to any public or private entity pursuant to an agreement concluded with that entity in this respect. This agreement will determine the rights and obligations of the parties as well as the conditions, requirements, and specifications that the contracted entity must observe when performing the functions outsourced to it by the DCCPFT.

Violations and Administrative Penalties

Article (19)

- a. Without prejudice to any stricter penalty stipulated in any other legislation, a person who violates this Law or the resolutions issued in pursuance hereof will be punished by a fine of no less than one hundred dirhams (AED 100.00) and no more than two hundred thousand dirhams (AED 200,000.00).
- b. The Chairman of the Executive Council will issue a resolution determining the acts that constitute violations of the provisions of this Law and the resolutions issued in pursuance hereof and the fine prescribed for each violation.

Law Enforcement

Article (20)

The DCCPFT Employees, and the employees of the other entities to which the DCCPFT outsources any of its functions under this Law, who are nominated pursuant to a resolution of the Director General will have the capacity of law enforcement officers to record the acts committed in breach of the provisions of this Law and the resolutions issued in pursuance hereof. For this purpose, they may issue the necessary violation reports; and, where necessary, seek the assistance of police personnel.

Transfer of the Commercial Compliance and

Consumer Protection Sector

Article (21)

As of the date on which this Law comes into force, the following will be transferred to the DCCPFT:

1. the duties, powers, and operations assigned under the above-mentioned Law No. (20) of 2021, and other legislation in force in the Emirate, to the Commercial Compliance and Consumer Protection Sector of the DET and the organisational units affiliated to it under the Organisational Structure approved pursuant to the above-mentioned Executive Council Resolution No. (10) of 2016 ;
2. the ownership of the real property, movables, assets, intellectual property rights, devices, and equipment of the Commercial Compliance and Consumer Protection Sector of the DET;

3. the DET Employees required to be transferred to the DCCPFT pursuant to the relevant resolution of the Director General. These Employees will retain their existing rights; and
4. the financial appropriations allocated in the annual budget of the DET to its Commercial Compliance and Consumer Protection Sector.

Reassignment of Commercial Control Operations

Article (22)

- a. All Commercial Control operations undertaken by the Regulatory Bodies in the Emirate in respect of the Economic Activities and Commercial Establishments are hereby reassigned to the DCCPFT.
- b. For the purpose of implementing the reassignment referred to in paragraph (a) of this Article, a temporary committee will be formed pursuant to a resolution of the Chairman of the Executive Council. This committee will have the duties and powers to:
 1. compile and classify all forms and types of Commercial Control activities conducted by Regulatory Bodies in respect of Economic Activities and Commercial Establishments in the Emirate;
 2. identify the types and forms of the Commercial Control activities of Regulatory Bodies that may be reassigned to the DCCPFT;
 3. identify the financial appropriations and human resources that may be reallocated and transferred from the Regulatory Bodies to the DCCPFT; and
 4. perform any other duties assigned to it by the Chairman of the Executive Council.
- c. The committee must complete its assignment and submit its recommendations and work outcomes to the Executive Council within the time limit specified in the resolution forming it. The Executive Council will then take the appropriate decision in respect of the regulatory and legislative procedures and measures that must be adopted to implement the reassignment of Commercial Control operations to the DCCPFT, including the stages of implementation.

**Issuing Implementing Resolutions
Article (23)**

With the exception of the resolutions which the Chairman of the Executive Council is exclusively authorised to issue under this Law, the Director General will issue the resolutions required for implementing the provisions of this Law. These resolutions will be published in the Official Gazette.

**Repeals
Article (24)**

Any provision in any other legislation is hereby repealed to the extent that it contradicts the provisions of this Law.

**Publication and Commencement
Article (25)**

This Law will be published in the Official Gazette and will come into force on the day on which it is published.

Mohammed bin Rashid Al Maktoum
Ruler of Dubai

Issued in Dubai on 6 February 2023
Corresponding to 15 Rajab 1444 A.H.