

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

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We, Hamad Bin Khalifa Al-Thani, Emir of the State of Qatar,
Having perused the Constitution;
The agreement establishing the World Trade Organization and the multilateral trade agreements annexed thereto, and Decree No. 24 of 1995 ratifying Qatar's accession thereto;
The proposal of the Minister of Economy and Commerce;
The draft Law submitted by the Council of Ministers (Cabinet); and
Having consulted the *Shura* Council;

Articles

Article 1

In the application of the provisions of this Law, the following words and expressions shall have the meanings assigned to each, unless the context requires otherwise:

"Ministry" means	The Ministry of Economy and Commerce.
"Minister" means	The Minister of Economy and Commerce.
"Committee" means	The Committee for the Protection of Competition and Prevention of Monopolistic Practices.
"Persons" means	natural or juristic persons or any other legal entity practicing economic or commercial activity.
"Products" means	goods and services.
"Control or Influence" means	the power of a person, or group of persons acting together, to control the products market and effectively influence prices and the volume of products on offer, which their competitors have no power to prevent.
"Concerned Market" means	(a) concerned products, i.e., products that may be considered mutually exchangeable or replaceable, and include products offered by competitors in other markets that are close to the consumer; and (b) geographical area, i.e., refers to the market that includes the geographical zone where conditions of competition are harmonised and where both buyers and sellers deal in products to determine prices.

Article 2

Without prejudice to the provisions of international treaties and agreements in force, the practice of economic and commercial activity shall not lead to the prevention, restriction or impairment of competition, in accordance with the provisions of this Law.

Article 3

It shall be prohibited to conclude agreements or contracts or to undertake practices that violate the rules of competition, in particular the following:

1. Manipulating the prices of products, either by raising, lowering, or fixing such prices;
 2. Limiting the freedom of flow of products in and out of markets by concealing them, refusing to deal in them despite their availability, or stockpiling them without justification;
 3. Deliberately provoking a sudden abundance of products, or causing them to circulate at a price that affects the economies of other competitors;
 4. Preventing or hindering any person from practicing his economic or commercial activity on the market;
 5. Unjustifiably concealing from a particular individual the products available in the market;
 6. Restricting production, manufacturing, distribution or marketing operations, or limiting the distribution, type or volume of services, or imposing conditions or restrictions on their supply.
 7. Dividing or allocating product markets on the basis of geographical areas, distribution centres, type of customers, seasonal basis, time periods, or on the basis of goods;
 8. Coordinating or agreeing between competitors with respect to submitting or abstaining from submission of bids in tenders, selective (negotiated) tendering (practise), bidding and supply offers. This shall not include joint offers declared as such from the outset, provided that such joint offers are not in any way intended to prevent competition.
 9. Knowingly spreading false information about products or their prices.
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Article 4

It shall be prohibited for persons possessing control or influence to abuse it through unlawful practices, in particular the following:

1. Refraining from dealing in products through sale or purchase, or limiting or hindering such dealing in a manner that leads to the imposition of unrealistic prices;
 2. Reducing or increasing the available quantities of a product in a manner that leads to the contrivance of a false shortage or abundance of the product;
 3. Refraining, without lawful justification, from concluding product sale or purchase deals with any person, or selling the products in which the person deals for less than their actual cost, or ceasing to deal with the person altogether in a manner that limits his freedom to enter or leave the market at any time;
 4. Imposing an obligation not to manufacture, produce or distribute a product for a specified period(s);
 5. Imposing an obligation to limit the distribution or sale of a product or service exclusively on the basis of geographical areas, distribution centres, clients, seasons or periods of time among persons who have a vertical relationship;
 6. Making the conclusion of a contract or agreement for the sale or purchase of a product conditional on the acceptance of obligations or products that are unrelated to the original object of the transaction or agreement due to their nature or commercial usage;
 7. Violating the principle of equality of opportunity among competitors by favouring, without lawful justification, some competitors over others in the conditions of sale or purchase agreements;
 8. Refraining from making a scarce product available when its availability is economically possible;
 9. Obliging a supplier not to deal with a competitor;
 10. Selling products below their marginal cost or average variable cost.
 11. Obliging a person's associates not to allow a competitor to use their utilities or services that are necessary for the competitor, despite the fact that making such usage available is economically possible.
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Article 5

The Minister may, whenever the consumer's interests so require and where requested by those concerned, decide to exempt from the scope of the prohibition stipulated in the two preceding articles those bids, agreements or contracts that limit competition.

Article 6

The provisions of this Law shall not apply to sovereign actions of the State, or to the actions of institutions, bodies, companies or entities that are subject to the State's direction and supervision

Article 7

1. A committee called the "Committee for the Protection of Competition and Prevention of Monopolistic Practices" (hereinafter "the Committee") shall be established and shall report to the Minister. Its members shall include experts in the fields of economics, finance and law, as well as representatives of ministries and competent bodies.
2. The Committee shall be constituted by virtue of a resolution of the Prime Minister upon a proposal by the Minister.
3. The Secretariat of the Committee shall be headed by one or more officials of the Ministry whose delegation, competencies and compensation shall be determined by resolution of

Article 8

The Committee shall be concerned with the following:

1. Preparing, updating and developing a database and integrated information about economic activity, and conducting the necessary studies and research to serve its work in all fields related to the protection of competition and prevention of monopolistic practices;
2. Receiving reports related to violations of the provisions of this Law, examining them to verify whether they deserve consideration, and taking appropriate measures.
3. Coordinating with similar authorities in other States on matters of mutual concern;
4. Issuing a periodical bulletin containing the Committee's resolutions, recommendations, procedures and measures, and others matters pertaining to its affairs;
5. Preparing an annual report on the Committee's activities, future plans and proposals which shall be presented to the Minister, and a copy of which shall be submitted to the Council of Ministers;
6. Expressing its views on draft laws and regulations pertaining to competition and prevention of monopolistic practices.

The executive regulations of this Law shall determine the procedures to be followed by the Committee to investigate actions that involve or constitute violations of the provisions of the Law.

Article 9

The chairperson, deputy chairperson, members of the Committee and Ministry officials who are vested with the capacity of judicial control officers by virtue of a resolution issued by the Attorney-General, in agreement with the Minister, may examine and prove evidence of any violations that contravene the provisions of this Law. Such officers shall, in the conduct of their work, be entitled to enter and inspect places, shops and establishments and to review their documents and records.

Article 10

1. Persons desiring to acquire assets, equities or usufructs, or to buy shares, set up united bodies or mergers, or to combine the management of two or more legal persons in a manner that leads to market control or influence, shall request the Committee in writing for a ruling.
 2. The Committee shall examine the request and issue its ruling within a period not exceeding ninety (90) days from the date of receiving the request. Where such period elapses without a ruling, the request shall be deemed approved.
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Article 11

The provisions of the preceding article shall not apply to mergers or acquisitions which the Committee deems as contributing to economic progress in a manner that compensates for any breach of competition.

Article 12

The Committee may revoke its ruling issued in accordance with the provision of Article 10 of this Law where the information submitted to it by the persons concerned is proved to have been untrue or based on fraud or deception.

Article 13

No information or data related to the cases pertaining to the implementation of the provisions of this Law may be disclosed or used for purposes other than those for which it was submitted.

Article 14

Any person may notify the Committee of any agreements, contracts or practices contravening Articles 3 and 4 of this Law.

Article 15

Where it is established that any of the provisions referred to in Articles 3, 4 or 10 has been violated, the Committee may order the accused to rectify the situation and to remove the violation immediately or within a specified period. This shall not prejudice the provisions pertaining to the responsibilities arising from such violations.

Article 16

1. No criminal suit or proceedings may be initiated with respect to the crimes stipulated in this Law except by written permission from the Minister or his delegate, upon a proposal by the Committee.
 2. The Minister or his delegate may conduct compounding regarding any such violation before a final judgment is issued in return for a consideration by the accused of an amount not less than double the minimum fine and not exceeding double the maximum.
 3. Compounding shall entail the lapse of the criminal suit.
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Article 17

1. Any person convicted of violating the provisions of Articles 3, 4 or 10 of this Law shall be sentenced to a fine of not less than one hundred thousand Riyals (QR 100,000) and not more than five million Riyals (QR 5,000,000).
2. In all cases, the Court shall order the confiscation of all profits resulting from the violation and any other profits which the accused may have obtained through illegal competition.

Article 18

1. The person effectively responsible for the management of an accused juristic person shall be subject to the same penalties as those imposed for acts in violation of the provisions of this Law where it is proved that he was aware of such acts and his failure to take steps to prevent their commission contributed to the violation.
 2. Where the violation has been committed by one of the juristic person's employees, either in its name or on its behalf, it shall be jointly responsible for paying any financial penalties or compensation imposed by the sentence.
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Article 19

The Minister shall issue the executive bylaw and resolutions necessary for implementation of the provisions of this Law.

Article 20

All competent authorities, each within their jurisdiction, shall enforce this Law from the date of its publication in the *Official Gazette*.
