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TELECOMS AND MEDIA

United Arab Emirates



 LEXOLOGY

Telecoms and Media

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COMMUNICATIONS POLICY

Regulatory and institutional structure

Summarise the regulatory framework for the communications sector. Do any foreign ownership restrictions apply to communications services?

The United Arab Emirates (UAE) consists of seven emirates, each of which operates as its own legal jurisdiction, and laws are made at both a federal and an emirate level. Some emirates have defined areas within them that have been designated as free zones, which typically have separate civil and commercial laws for businesses and individuals in the relevant free zone, although they all remain subject to the UAE federal criminal law. Examples of free zones in the UAE include Dubai International Financial Centre, Dubai Creative Clusters Authority and Abu Dhabi Global Markets. For the purposes of this chapter, unless otherwise specified, we focus on the laws and regulations applying at a federal level.

The principal law in the UAE that relates to the communications sector is [Federal Law No. 3 of 2003 Regarding the Organisation of the Telecommunications Sector](#) (the Telecoms Law).

The Telecoms Law establishes the Telecoms and Digital Government Regulatory Authority (TDRA) as the regulator of the telecommunications and information technology sector in the UAE. The Telecoms Law establishes a licensing-based regulatory framework for the supply of telecommunications services to customers in the UAE. Article 37 of the Telecoms Law, for instance, provides that individuals and corporate entities may not provide 'telecommunications services' through 'public telecommunications networks' to customers and 'subscribers' without obtaining a licence. Article 37 of the Telecoms Law is complemented by the TDRA's Resolution No. (6) of 2008 regarding the Licensing Framework (the Licensing Framework). The Licensing Framework provides that 'regulated activities' in the state are licensable by the TDRA. Here, 'regulated activities' means the operation of a 'public telecommunications network' or the provision of 'telecommunication services'.

Telecommunications services are defined in the Telecoms Law as delivering, broadcasting, converting or receiving, through a telecommunications network:

- wire and wireless communications;
- voice, music and other audio material;
- viewable images;
- signals used or transmission (other than public broadcasts);
- signals used to operate and control machinery or equipment;
- activities relating to the interconnection of equipment with a public telecommunications network;
- operating data transmission services, including the internet; and
- any other services approved by the High Committee appointed under the Telecoms Law.

Foreign ownership restrictions that previously applied to onshore companies in the UAE have been eased following amendments under Federal Decree-Law No. 26/2020 to the

UAE's Commercial Companies Law (Federal Law No. 2/2015) (which has now been replaced by Federal Decree-Law No. 32/2021 on Commercial Companies). The Departments of Economic Development of [Abu Dhabi](#) and [Dubai](#) have both released their respective lists of activities that would allow foreigners to establish companies with 100 per cent full ownership.

The Cabinet Decision No. 55/2021 on the Determination of the List of Strategic Impact Activities outlines seven categories of activities (eg, education, defence and telecommunications) that are considered to have a strategic impact on the UAE's economy whereby prior approval of the relevant regulatory authority needs to be obtained. Save for fisheries-related services (which requires 100 per cent UAE ownership), the specific details of minimum UAE ownership and UAE board representation requirements of these activities are to be decided by the relevant regulatory authority (Strategic Impact List).

Companies established in free zones are exempted from these foreign shareholder restrictions and can be wholly foreign-owned, and several international communications operators have established wholly owned entities in such free zones; however, they cannot offer public telecommunications services in the UAE, which, since 2006, has been a closed duopoly market.

The two providers of public telecommunications services (du and Etisalat) are licensees of the TDRA. The eligibility element of each licence refers to the licensee being a 'UAE juridical entity established and in good standing under the laws of the UAE'.

Other than public telecommunications services, there is scope for non-UAE businesses to actively participate in the broader communications sector, although even international businesses that have procured a specific licence from the TDRA have largely done so through a UAE-incorporated entity as the licensee. Beyond the provision of public telecommunications services in the UAE, there are many businesses offering products and services as part of the wider communications ecosystem, and many of these are not subject to foreign ownership restrictions.

Law stated - 13 May 2024

Authorisation/licensing regime

Describe the authorisation or licensing regime.

Under the Telecoms Law, the provision, operation or sale of any telecommunications services through a public telecommunications network in the UAE requires a licence from the TDRA.

Currently, only two operators are licensed for public telecommunications in the UAE: du and Etisalat. This follows government policy on the operation of a duopoly in the telecommunications field. We understand the TDRA is not currently considering further licences to break the duopoly.

The licences granted to du and Etisalat have various features; for example, each is required to filter the content that flows through its networks in line with the priorities of the state. Notable content filtering takes place concerning matters concerning the state, foreign policy and morality issues. The decision as to which content should be filtered is essentially made through private discussions between the TDRA and the mobile operators (regarding

TDRA policies on internet access), but there is no practice of publishing details on specific content-level filtering rationale.

In addition to the duopoly policy on fixed and mobile public telecommunications services, the TDRA has issued licences to other UAE entities for specific purposes, such as broadcast satellite transmission, public access mobile radio, mobile satellite and satellite services.

All such licences are issued individually to entities meeting various requirements under the Telecoms Law and under a decision made by the TDRA board. A licence can be categorised as either a class licence or an individual licence. Individual licences refer to whether scarce resources are requested such as spectrum or frequencies; class licences are issued where non-scarce resources are required and where the activities are insignificant enough that less regulatory supervision is required.

The TDRA requires an application form to be completed by a potential licensee, which includes relevant information such as management and shareholding structures, their business operations, including the type of networks and services they intend to provide and funding sources for these business operations.

Law stated - 13 May 2024

Flexibility in spectrum use

Do spectrum licences generally specify the permitted use or is permitted use (fully or partly) unrestricted? Is licensed spectrum tradable or assignable?

The Telecoms Law gives the TDRA responsibility for managing and regulating radio spectrum in the UAE. There is no established spectrum trading or leasing practice. The TDRA grants temporary authorisations on application for up to 90 days and such authorisations are specific to the applicant.

In common with many other jurisdictions, the UAE has its National Frequency Plan. This is issued by the TDRA and provides that certain services can only be provided within certain spectrum bands. In practice, the TDRA is known to have shown some flexibility in certain cases where this would not cause interference. All of the 800MHz, 900MHz and 1,800MHz spectrum has been divided between the two mobile operators, which means higher bandwidths can be supported in all frequency bands. Not all the 2,100MHz band is currently licensed and the 3,500MHz band is licensed for fixed wireless access.

Law stated - 13 May 2024

Ex-ante regulatory obligations

Which communications markets and segments are subject to ex-ante regulation? What remedies may be imposed?

Under the Telecoms Law, the TDRA does have the power to issue ex-ante regulations and decisions concerning practices, as well as to conduct ex-post investigations. Until 2012, it was not uncommon for the TDRA to publish determinations and decisions concerning telecommunications services publicly, including on their website. Since 2012, it appears the

regulator has taken the decision not to publish such determinations and decisions publicly but to communicate them only to the relevant entities instead.

The TDRA has a short regulatory policy on ex-ante competition safeguards, which details the various factors it may take into account in assessing competition and dominance in the UAE. The policy provides wide discretion to the TDRA on the factors to be considered and the remedies to be imposed depending on the outcome of an assessment of the level of competition in the relevant market.

Law stated - 13 May 2024

Structural or functional separation

Is there a legal basis for requiring structural or functional separation between an operator's network and service activities? Has structural or functional separation been introduced or is it being contemplated?

There is currently no directive that imposes structural or functional separation between an operator's network and its services in the UAE.

Law stated - 13 May 2024

Universal service obligations and financing

Outline any universal service obligations. How is provision of these services financed?

It is the responsibility of the TDRA to oversee the provision of telecommunications services throughout each emirate of the UAE and ensure that they are sufficient to meet public demand across the UAE; however, this has not taken the form of a hard universal service obligation. The TDRA fulfils this obligation via its relationships with the state-backed public telecoms companies who each have references in their licences to financial obligations around universal service obligations; however, these provisions are typically only references back to the general regulatory framework rather than a specific, hard obligation. Etisalat's TDRA licence differs from that of du on the issue of universal service and has a harder obligation that extends to certain services such as dial-up internet services.

The two public telecoms operators, du and Etisalat, have a significant government-ownership interest and have invested heavily in infrastructure and broadband. Given the nature of the duopoly, there are no direct government subsidies.

Law stated - 13 May 2024

Number allocation and portability

Describe the number allocation scheme and number portability regime in your jurisdiction.

Under the Telecoms Law, the TDRA has the authority to control the allocation of telephone numbers and numbering plans. To this end, the TDRA has released a national numbering

plan that sets out this approach to number allocation. This includes the numbering regimes used to indicate which emirate the call arose from, as well as reserving certain numbers for the emergency service and premium paid-for calls.

The licensed operators can apply to the TDRA for allocation of a batch of numbers, which is granted based on capacity, future demand, utilisation by the licensee and administrative effort. The TDRA allocates rights to use numbers in continuous blocks of up to 100,000 numbers. The licensed operators are then responsible for allocating the numbers to their subscribers.

At the end of 2013, the UAE implemented a mobile number portability programme. Notwithstanding the mobile virtual network operator or independent branded services, there are only two mobile network operators in the UAE and so the only number portability is between the two. Both networks offer a number porting application form that can be submitted to request a number transfer.

Law stated - 13 May 2024

Customer terms and conditions

Are customer terms and conditions in the communications sector subject to specific rules?

The TDRA is empowered by the Telecoms Law to represent customer interests in the UAE. This encompasses issuing rules or regulations relating to the terms of supply to the customer and includes consumer protection regulations, such as key terms that must be included in contracts with customers (eg, restrictions on usage and rights to terminate) and detailed information that must be provided to the customer before the purchase of a service. The TDRA has also issued a consumer protection guide that sets out a customer's rights concerning their service contract, the privacy of information, access to services and several others.

Law stated - 13 May 2024

Net neutrality

Are there limits on an internet service provider's freedom to control or prioritise the type or source of data that it delivers? Are there any other specific regulations or guidelines on net neutrality?

No specific regulations require net neutrality in the UAE. Both of the public telecoms operators have offered plans with zero rating on certain social media applications.

Bandwidth throttling by internet service providers is common. Network traffic that relates to Voice over Internet Protocol (VoIP) services is often blocked or has its capacity reduced to give partial effect to the TDRA's policy on VoIP services, whereby such services (where there is network breakout) are not permitted unless provided by one of either du or Etisalat.

Law stated - 13 May 2024

Platform regulation

Is there specific legislation or regulation in place, and have there been any enforcement initiatives relating to digital platforms?

There is no specific legislation or regulation concerning digital platforms.

Law stated - 13 May 2024

Next-Generation-Access (NGA) networks

Are there specific regulatory obligations applicable to NGA networks? Is there a government financial scheme to promote basic broadband or NGA broadband penetration?

There are no specific regulations concerning NGA networks. Du and Etisalat are both committed to providing high-speed networks across the UAE, and the UAE has a very high penetration of fibre-to-home connectivity. Given the nature of the public telecommunications duopoly in the UAE, there are no direct government subsidies or financial schemes available.

Law stated - 13 May 2024

Data protection

Is there a specific data protection regime applicable to the communications sector?

The UAE issued its first federal data protection law in September 2021 (Federal Decree-Law No. 45 of 2021 Regarding the Protection of Data Protection) (Personal Data Protection Law) that is applicable to all sectors in the UAE, save for free zones like the Dubai International Finance Centre and Abu Dhabi Global Market that have their own data protection regimes. The newly established UAE Data Office will be responsible for regulating the implementation and enforcement of the core data protection concepts such as personal data, controllers, processors and processing, requirements to appoint a data protection officer and subject rights. The new Personal Data Protection Law is conceptually similar to the EU General Data Protection Regulation (GDPR) and will have extra-territorial effect in that it is applicable to organisations established in and outside of the UAE that process personal data of data subjects within the UAE. Despite its similarities to the GDPR, it is noteworthy that the Personal Data Protection Law does not provide for a 'legitimate interests' basis for processing personal data, and so consent will be required unless an exception (eg, public interest, defending a legal claim) applies. Furthermore, there are slightly more onerous obligations to record personal data and the requirement to notify the UAE Data Office of breaches of personal data 'immediately upon becoming aware of them' (as opposed to the lower threshold of 'without undue delay' under the GDPR).

Although the Personal Data Protection Law came into force on 2 January 2022, there was a six-month window of non-enforcement due to pending implementing regulations. The regulations, at the time of writing, remain unpublished thereby creating a degree of uncertainty on certain compliance matters.

Cybersecurity

Is there specific legislation or regulation in place concerning cybersecurity or network security in your jurisdiction?

Key primary legislation relating to cybercrime includes Federal Decree-Law No. 34/2021 Concerning the Fight Against Rumours and Cybercrime (effective 2 January 2022) (the Cybercrime Law) and the Penal Code.

The new Cybercrime Law specifically deals with activities like hacking (this was previously described as unauthorised access), identity theft and fraud, crimes that involve computers, networks and electronic information, impersonation, electronic robots, cryptocurrency and the spreading of false information. The Penal Code consists of general provisions prohibiting various criminal acts, some of which will apply to cybercrime.

The Cybercrime Law applies across all sectors, with no exceptions. In practice, it will be of particular relevance to the telecommunications and financial services sectors, as these are typically entrusted with critical data and therefore more likely to be targets of cybercrime. Furthermore, there are specific implications for the banking, medical, media or scientific sectors as aggravated penalties will apply if the harm affects the said sectors. The Cybercrime Law also penalises those who spread rumours and fake news as well as those who perpetuate (ie, republish and recirculate) such information that, among others, provokes public opinion and intimidates and harms the public interest.

From a general cyber security compliance perspective, many of the licensing instruments published by the TDRA relating to emerging technology such as the Internet of Things emphasise the importance of cyber controls, particularly as regards the active elements of the related radio frequency-dependent infrastructure.

The Signals Intelligence Agency (SIA) is the UAE federal authority responsible for the cybersecurity of the UAE. The SIA operates under the direction of the UAE Supreme Council for National Security. Government organisations, semi-government organisations and business organisations that are identified as critical infrastructure in the UAE are required to follow SIA compliance guidelines. The primary standard to follow for SIA compliance is the UAE Information Assurance Regulations.

The TDRA has also established the UAE's Computer Emergency Response Team, which was established by statute and has published a wide-ranging information security policy.

Law stated - 13 May 2024

Big data

Is there specific legislation or regulation in place, and have there been any enforcement initiatives in your jurisdiction, addressing the legal challenges raised by big data?

There is no specific federal legislation or regulation in place; however, the emirate of Dubai has introduced the Dubai Law No. 26/2015 (the Dubai Data Law), which provides for local

government and private entities to contribute certain non-confidential information relating to the emirate, known as Dubai Data, to a knowledge and database from which such entities can benefit. The intention is to improve integration, harmonisation and efficiency between services and encourage the development of a smart economy through digital transformation.

Law stated - 13 May 2024

Data localisation

Are there any laws or regulations that require data to be stored locally in the jurisdiction?

The Personal Data Protection Law will implement restrictions on transfers of personal data whereby it may only be transferred outside the UAE to limited jurisdictions as determined by the UAE Data Office. If the intended jurisdiction is not deemed to have an adequate level of protection, personal data is only allowed to be transferred outside of the UAE if, among others, the transfers are necessary for the performance of a contract with, or in the interest of, the data subject, the transfers are necessary for establishing a legal claim or the express consent of the data subject is obtained and the transfer does not conflict with the security and public interest of the UAE. These concepts are similar to the ones introduced by the GDPR but have additional considerations of national security issues. The implementing regulations are expected to set out the controls and requirements for these exceptions for transferring personal data to jurisdictions that are deemed to not have an adequate level of protection.

Until the Personal Data Protection Law comes into effect, guidance given by regulators on data domiciliation within the UAE in certain key sectors, including telecommunications, will apply (but this does not come in the form of hard law or publicly available guidance). State-owned entities are also expected to abide by certain data domiciliation rules, which are not set out in hard primary legislation. As the Personal Data Protection Law does not apply to certain free zones, entities registered in the Dubai International Financial Centre or Abu Dhabi Global Market have to adhere to their specific regimes around transfers of personal data that impacts those businesses' freedom to outsource or offshore certain functions.

Law stated - 13 May 2024

Key trends and expected changes

Summarise the key emerging trends and hot topics in communications regulation in your jurisdiction.

As there is no expectation that the TDRA will permit any additional public telecommunications service providers to enter the UAE market in the near future, key changes in the market dynamics and regulation are likely to result from increased competition between the two operators. The TDRA has stated previously that the intention behind introducing a second licensed operator was that 'Competition is the drive for development, where it leads to higher quality services, lower prices and the adoption of latest technologies. It is a race that pumps innovation and progress into the veins of the sector.'

There is an expectation going forward that the TDRA will be keen to ensure that as much real competition as possible emerges between the operators.

Being considerably newer in its establishment, du has been playing catch-up around the infrastructure and expertise to compete on a truly level playing field with Etisalat. The two providers have often divided regions up geographically rather than competing directly for the same customers, so customers are effectively faced with a service provider with a de facto monopoly. In 2015, the two providers started bitstream access, a method by which the one network could be shared by the two operators, permitting customers more flexibility to choose a provider where the infrastructure previously restricted their choice. Greater ability for customers to switch between the providers has also been encouraged. It is likely that the TDRA will continue to encourage this competition.

The marked perception of increased competition in the mobile market was increased in 2017 when each of du and Etisalat launched mobile services under new brands: du acquired rights to launch a Virgin mobile branded service and shortly after, Etisalat launched a prepaid service branded as 'SWYP'. Neither the Virgin Mobile nor the SWYP services are regulated independently of their respective MNOs.

Enterprise-focused information and computer technology (ICT) services growth through operator divisions or subsidiaries is a key area to watch, particularly as these divisions will compete with a large pool of non-operator affiliated entities. As regards the ICT services growth being experienced by the operators, enterprise adoption of emerging technology will continue to require regulatory guidance from the TDRA, as well as other concerned regulatory bodies in the UAE, to ensure the balance between advancement in technology and risk management is addressed.

The TDRA has been active in terms of regulatory and policy output covering a range of communications areas including Earth Station Regulations, Space Service Regulations and a new Information Assurance Regulation. One of the most significant developments in light of the various Smart City ambitions in the UAE is the IoT Regulatory Policy, which remains largely untested and has a seemingly broad ambit covering internet of things services.

One of the areas where change is expected is around the move of operations into mobile financial services, fintech verticals focusing on consumer products and services, and the impact of open banking and liberalisation of the financial services sector in the UAE.

The enforcement of the Personal Data Protection Law and its implementing regulations will be a much-anticipated development. Companies will have to be vigilant for the issuance of the implementing regulations by the UAE Data Office as they will then have 6 months to align and harmonise their internal processes. It will be interesting to see the extent of penalties decided upon via the implementing regulations and their influence on the manner of implementation of the new personal data protection laws of the neighbouring Kingdom of Saudi Arabia that is due to come into force in 2023.

Law stated - 13 May 2024

MEDIA

| **Regulatory and institutional structure**

Summarise the regulatory framework for the media sector in your jurisdiction.

The principal source of law in relation to the media sector in the United Arab Emirates (UAE) is Federal Law No. 55 of 2023 on the Regulation of Media (the Media Law). The law was issued on 18 December 2023 and will come into force on 18 December 2024. The related implementing regulations are yet to be published but are expected to abrogate the previous regulations that remain in force. The law covers a large number of regulations on the media including ownership, prohibitions on certain types of reporting and defamation.

Under the previous media law, which dates back to 1980, the Ministry of Culture and Information was the national media regulator. Then in 2006, Cabinet Resolution No. 14/2006 abolished the Ministry and established a new regulator for the media industry, the National Media Council (NMC), which has now been replaced by the Media Regulatory Office in 2021 following the merger of the NMC and the Federal Youth Authority, becoming the Media Regulatory Office (MRO). As well as being the regulator, the MRO is tasked to prepare research and foresight studies relating to the media sector and aims to combat false news and unprofessional media practices. Following the enactment of Federal Law No. 57 of 2022, the UAE Media Council has been established to coordinate media efforts and as such the MRO has come under its remit.

The Media Law provided a much-needed update and clarification, especially for ensuring that media activities cover not just traditional media such as books, newspapers and television but also electronic and digital media and video-on-demand services. Wide discretion for the licencing of these new electronic and digital media activities has been provided, in the same way as newspapers and radio and television in the previous law.

The Media Law provides Media Content Standards to be abided by anyone performing a media activity or profession, including duties and prohibitions, for example:

- respect for the Islamic beliefs and other beliefs;
- respect and not to offend the State, the Emirates or their legal, economic, judiciary and security systems;
- not to perform any act that affects foreign relations;
- respect the culture and national identity of the UAE;
- not to publish any offensive content;
- respect the privacy rules and whatever is related to the private life of individuals;
- not to publish any matter that incites to commit crimes or use illegal substances;
- not to publish, broadcast, or share expressions, photos, drawings, or opinions that breach the public morals or that corrupt the morals of the youths; and
- not to publish or broadcast rumours, fake news or falsified papers.

In addition to the Media Law, the UAE has a history of trying to regulate social media influencers. In March 2018, the Electronic Media Activity Regulation Resolution 2018 (the EMR) was published, which regulates a wide range of digital media activities including websites that sell content and individuals who seek to monetise their social media popularity by way of an annual licence arrangement. The National Media Council Circular No. 13/2020 was then issued to further clarify rules on advertisements on social media including the

need for the advertisement to use non-confusing language and restrictions on advertising health-related products, drugs and other pharmaceuticals.

There are also relevant provisions relating to media found in the Penal Code, particularly in regard to defamation, and the Cybercrime Law, when considering digital communications.

Across the UAE there are various media-related free zones that have their own civil regimes, while still being subject to the same criminal restrictions as the main jurisdictions. Many national and international media companies are established in these zones.

Law stated - 13 May 2024

Ownership restrictions

Do any foreign ownership restrictions apply to media services? Is the ownership or control of broadcasters otherwise restricted? Are there any regulations in relation to the cross-ownership of media companies, including radio, television and newspapers?

Article 4 of the Media Law the owner of a licensed media publisher or of any means of mass media and publication, must:

- have legal capacity;
- have a good reputation and conduct and not have been convicted of an offence related to morality or dishonesty;
- obtain any necessary approvals from government entities; and
- any other requirements once the implementing regulations have been enacted.

However, if ownership is by a company rather than an individual, the company must also be limited to the practice of media activities.

Many media outlets are owned, in whole or in part, by the government or prominent local families closely aligned with the government.

There are also certain academic and experience qualification requirements on editors-in-chief and standard writers and journalists, though these are typically not enforced in practice.

The EMR set out requirements of applicants for the licensing regime as well as the mandatory appointment of a 'responsible manager' to act as a representative, although breaches of the EMR by an applicant or licensee do not extend to liability on the part of this responsible manager. There is no requirement in the EMR for the responsible manager to be a UAE national.

Law stated - 13 May 2024

Licensing requirements

What are the licensing requirements for broadcasting, including the fees payable and the timescale for the necessary authorisations?

Under the Media Law, all practitioners of media activities are required to hold a licence before they can lawfully publish.

Separately from the ownership requirements under the Media Law, article 4 of Cabinet Decision No. 22/2017 on Licencing Media Activities, requires Licensees to:

- be a GCC national;
- not to have been suspended from practising media activities;
- not owe the MRO any dues;
- be at least 25 years of age;
- have a good reputation and conduct and not have been convicted of an offence in relation to morality or dishonesty; and
- have appropriate academic qualifications.

The proposed new media outlet must apply to the MRO, requesting the granting of such a licence. This can be done online via the MRO's website and must include details of the owner and the proposed media outlet brand. Applications must be in Arabic. The MRO will review the application and, if it is in favour of the licence being granted, will support the application in front of the federal government. The federal government must then approve the application and grant the licence.

The Media Law provides for an applicant to deposit a guarantee of 50,000 UAE dirhams for an application for a newspaper and 20,000 UAE dirhams for other media outlets to be paid along with the application. Fines imposed will be removed from this deposit, which must then be topped up to maintain its original level. The MRO can also charge a range of service fees ranging from 500 UAE dirhams to 100,000 UAE dirhams, dependent on the type of licence sought and the activities covered.

The EMR also sets out an annual licensing regime for electronic media activities that have variable fees depending on the category of the regulated activity: the most expensive of the categories identified in the EMR is the electronic or online accounts and websites, including the specialised ones (commercials, advertising, news, etc), which attracts a new application processing fee of 15,000 UAE dirhams and the same amount for a renewal.

Law stated - 13 May 2024

Foreign programmes and local content requirements

Are there any regulations concerning the broadcasting of foreign-produced programmes? Do the rules require a minimum amount of local content? What types of media fall outside this regime?

There are no specific regulations preventing the broadcasting of foreign-produced programmes, providing that they do not contain any content that is not permitted under the Media Law. There are also no official requirements in relation to the minimum amount of local content.

Law stated - 13 May 2024

Advertising

How is broadcast media advertising regulated? Is online advertising subject to the same regulation?

The Media Law contains restrictions on advertising similar to those found in many other nations, though unlike in jurisdictions that rely largely on self-regulation, advertising standards are enforced by the MRO.

In particular, advertisements are prohibited where they are inconsistent with the Media Content standards or are against the public interest. This includes those that are 'inconsistent with public conduct', a phrase capable of covering a broad range of cultural sensitivities including inappropriate dress or behaviour. It also prohibits adverts that mislead the public, could cause harm to the state or the value of society or contain subversive ideas.

The Media Law also requires advertisers to make clear that their material is clearly and explicitly noted as advertising.

The MRO issued an official advertising guide in 2018, which consolidates various principles on advertisements in the UAE and protects local religious, cultural and social values and improves the freedom of expression of the media.

The EMR addresses electronic advertisements, including the use of digital social media and imposes a broad licensing requirement on those involved in such online advertising.

The Telecoms and Digital Government Regulatory Authority (TDRA) Consumer Protection Regulations also contain restrictions on the advertising of products or services regulated under Federal Law No. 3 of 2003 Regarding the Organisation of the Telecommunications Sector. These include the requirement to be able to evidence to the TDRA's satisfaction of any statements or claims made in the advertisement, whether direct or implied and restrictions on the form of comparative advertising.

Federal Law No. 15/2020 on Consumer Protection also prohibits misleading advertisement whether it relates to the price or the description of the goods. Furthermore, advertisements related to consumers shall be made in Arabic (with other languages being able to be made in addition to Arabic).

Law stated - 13 May 2024

Must-carry obligations

Are there regulations specifying a basic package of programmes that must be carried by operators' broadcasting distribution networks? Is there a mechanism for financing the costs of such obligations?

No, there are no official must-carry obligations in the UAE. In line with the requirements on the media not to insult or harm the state and for official news reporting to be undertaken through a centralised, state-controlled function, certain state media content will sometimes unofficially be required to be included as part of the schedule. Also, local broadcast media channels will observe mourning content (eg, soft music or recitation of the Holy Quran) in circumstances where there has been a death of a royal or some other nationally observed tragic event.

Law stated - 13 May 2024

Regulation of new media content

Is new media content and its delivery regulated differently from traditional broadcast media? How?

There is no distinction in the Media Law between different types of media content according to their delivery. In July 2017, the UAE Cabinet issued Resolution No. 23 of 2017 concerning media content consolidated content rules and extended these specifically to digital content and then, more recently, the EMR established a licensing and compliance framework for digital media (including licensure relating to social media 'influencers').

On 9 September 2020, the MRO issued National Media Council Circular No. 13/2020, a circular regarding social media advertisements emphasising the need to obtain prior approval from the Media Licensing Department. This will impact companies, brands, influencers, and anyone who carries out social media advertising activities on a commercial basis. Furthermore, the circular sheds more light on the regulation of advertising on social media including the need for the product to be authentic and not exaggerated and not cause confusion with other similar names. The identity of the advertisement must be clear and distinctive from other materials presented – for example, phrases like 'paid advertisement' as opposed to 'in collaboration with' should be used to make it clear whether the advertisement is commercial or not.

Ultimately, the fundamental principles behind the UAE's regulation of traditional media and the UAE's regulation of new media are not different.

Law stated - 13 May 2024

Digital switchover

When is the switchover from analogue to digital broadcasting required or when did it occur? How will radio frequencies freed up by the switchover be reallocated?

The switchover from analogue to digital broadcasting was completed in 2012, coordinated with other Gulf Cooperation Council states such as Qatar and Saudi Arabia.

The additional radio capacity was allocated to improve mobile telephone services.

Law stated - 13 May 2024

Digital formats

Does regulation restrict how broadcasters can use their spectrum?

No, there is no regulation that restricts how broadcasters are permitted to use their spectrum allocation.

Law stated - 13 May 2024

Media plurality

Is there any process for assessing or regulating media plurality (or a similar concept) in your jurisdiction? May the authorities require companies to take any steps as a result of such an assessment?

There is no official assessment or regulation of media plurality in the UAE. Many media service providers are owned or part-owned by the UAE government or members of prominent local families closely linked to the government.

The MRO oversees the content prepared by the media and any material that is considered to be undesirable is likely to be blocked. Particularly in a commentary in relation to the state, foreign affairs or Islam, journalists are likely to self-censor and a similar position will typically be taken across all media outlets. On controversial or sensitive issues, journalists will often take their lead from the single official government news agency, the Emirates News Agency operated by the MRO, and adopt identical reporting positions.

Law stated - 13 May 2024

Key trends and expected changes

Provide a summary of key emerging trends and hot topics in media regulation in your country.

The rise of social media has spurred a slew of regulations looking to regulate this area and stop the spread of misinformation. Even the Cybercrime Law that came into force in January 2022 provides more protection against online crimes committed via social media networks and IT platforms. For example, the Cybercrime Law now penalises taking pictures of others without permission and also photographing victims of accidents or disasters and spreading the same. As social media becomes more integrated into everyday life, the increased regulatory scrutiny and enforcement of such laws will be one to watch in the coming years.

Following the issue of the new Media Law, the implementing regulations pertaining to it are now expected to be published before the law comes into effect in December 2024. These regulations may amend or replace the number of different regulations implemented prior to the new law coming into effect.

Law stated - 13 May 2024

REGULATORY AGENCIES AND COMPETITION LAW

Regulatory agencies

Which body or bodies regulate the communications and media sectors? Is the communications regulator separate from the broadcasting or antitrust regulator? Are there mechanisms to avoid conflicting jurisdiction? Is there a specific mechanism to ensure the consistent application of competition and sectoral regulation?

The communications and media sectors are regulated by the Telecoms and Digital Government Regulatory Authority (TDRA) and the United Arab Emirates (UAE) Media Council and MRO respectively. Given the convergence in the sector, there is some overlap between these and indeed other UAE regulators and their respective jurisdictions. As the communication and media sectors include embedded payment propositions for consumer services, the regulatory jurisdiction of financial services regulators (including the Central Bank of the UAE) can also be triggered.

With regard to competition, the UAE adopted a new competition law in the form of the Federal Law No. 36 of 2023 on the Regulation of Competition (the Competition Law) replacing the 2012 law. The Competition Law has been in force since December 2023; however, the implementing regulations have not yet been published. Therefore, the previous law's executive regulations (Council of Ministers' Resolution No. 37 of 2014) and two relevant resolutions, which provided key thresholds and definitions, (the Resolutions) remain in effect.

The previous competition law provided for a Competition Regulation Committee (the Committee) to be established to oversee general competition law policy in the UAE and this remains in effect. Day-to-day enforcement of the Competition Law is the responsibility of the Ministry of Economy, acting through its Competition Department. To date, there have been no officially publicised cases of Competition Law enforcement, although we are aware that the Competition Department has been established and issued views on specific cases that have been brought to it (in particular, with regard to merger control notifications).

The Competition Law provides that its provisions shall be enforced on all businesses in relation to their economic activities or the effect of their economic activities in the UAE (even where the conduct takes place outside of the UAE). It is as yet unclear how the courts will react to any jurisdictional disputes.

Unlike under the previous law, the telecommunications sector is no longer specifically excluded from the remit of the Competition Law. However, exemptions remain in cases where other law already governs the competition of that sector or the Minister decides that other criteria relating to economic development or growth are fulfilled. The Telecoms Law stipulates that the TDRA shall have the competence to issue regulations, instructions, decisions and rules regulating and ensuring competition in the telecommunications sector. The TDRA includes terms in the licences issued to operators requiring them not to participate in anticompetitive practices.

Law stated - 13 May 2024

Appeal procedure

How can decisions of the regulators be challenged and on what bases?

Decisions of the Competition Department can be appealed directly to the Minister of Economy within 15 days of the applicant becoming aware of the decision. Such appeals will be considered by the Committee, which will submit recommendations to the Minister within 10 days. The Minister must then respond to the applicant within 30 days of the appeal being filed; if nothing is heard in this time, the decision is deemed to be rejected. After this, the only remaining appeal is to a court of law (which must take place within 60 days of the decision or the deemed decision).

Licensing decisions issued by the UAE Media Council and MRO may be appealed directly to the Director-General of the UAE Media Council within 15 days of the date of notification. The Director-General must then respond to the applicant within 30 days of the appeal being filed. Following that, the only remaining appeal is to a court of law. Decisions by the MRO under Federal Law No. 55 of 2023 on the Regulation of Media do not currently have an option for appeal, but may also be appealed through the courts.

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Competition law developments

Describe the main competition law trends and key merger and antitrust decisions in the communications and media sectors in your jurisdiction over the past year.

The key concepts in the Competition Law include a prohibition on anticompetitive agreements, a prohibition on any abuse of a dominant position and merger control. Anticompetitive behaviour is broadly similar to the regimes in jurisdictions with more developed competition law systems, such as Europe and the United States. The new law has tightened controls on economic concentration and market dominance with the threshold for dominance being altered to be determined by the Ministers, this has not yet been published. Additionally, mergers or joint ventures of a certain size must now pre-notify the relevant government ministry at least 90 days before completion (instead of 30 days).

The Competition Law also provides for the issue of individual exemptions for businesses in relation to particular agreements or practices where this is considered appropriate, which can be obtained by application to the Ministry's Competition Department.

It remains to be seen how the Competition Law will be implemented in practice and whether there will be consistency in approach. Once the Competition Department and Competition Regulation Committee begin to make decisions and recommendations, it is unlikely that these will be available to the public. The Competition Law specifically requires the Competition Department to take steps to maintain the confidentiality of information provided by the parties, which is considered confidential. Accordingly, trends in this context will not be easy to be identified through conventional research; however, as market consolidation and convergence in the sector take effect, the approach taken by authorities will be easier to comment on.

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