

# Country Guide

## United Arab Emirates

Prepared by

**Afridi  
&Angell**



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# Doing Business in the United Arab Emirates: Overview

by Bashir Ahmed, Saurbh Kothari and Zaid Mahomed, *Afridi & Angell* (Lex Mundi Member Firm)

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A Q&A guide to doing business in the United Arab Emirates.

This Q&A gives an overview of key recent developments affecting doing business in Belgium as well as an introduction to the legal system; foreign investment, including restrictions, currency regulations and incentives; and business vehicles and their relevant restrictions and liabilities. The article also summarises the laws regulating employment relationships, including redundancies and mass layoffs, and provides short overviews on competition law; data protection; and product liability and safety. In addition, there are comprehensive summaries on taxation and tax residency; and intellectual property rights over patents, trade marks, registered and unregistered designs.

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## Overview

New Legislation

## Legal System

## Foreign Investment

## Business Vehicles

## Environment

## Employment

Laws, Contracts, and Permits

Termination and Redundancy

Fair Dismissal

## Tax

Taxes on Employment

Business Vehicles

Dividends, Interest and IP Royalties

Groups, Affiliates and Related parties

Customs Duties

Double Tax Treaties

## Competition

## Anti-Bribery and Corruption

## Intellectual Property

## Marketing Agreements

## E-Commerce

## Advertising

## Data Protection

Consumer Privacy Laws

## Product Liability

## Regulatory Authorities

## Other Considerations

## Contributor profiles

Bashir Ahmed, Managing Partner

Saurbh Kothari, Partner

Zaid Mahomed, Associate

## Overview

1. What is the general business, economic and cultural climate in your jurisdiction?

## Economy

The 1950s and 1960s saw the discovery of major quantities of crude oil in Abu Dhabi and Dubai, leading to the subsequent generation of very substantial export revenues, especially following the oil price increase in 1973.

Current oil production of the UAE is in the region of 3.2 million barrels per day. Oil production generates annual revenue in excess of USD307 billion, representing over 80% of the UAE's GDP. The Emirate of Abu Dhabi accounts for more than 95% of current UAE oil production. Dubai, Sharjah, and Ras Al Khaimah are the other oil producers.

The UAE currency is the UAE Dirham. The exchange rate is pegged at approximately AED3.67 per USD1. The exchange rate changes from day to day with the Euro and other currencies.

## Dominant Industries

Although the majority of the UAE's economy runs on income from oil exports, the UAE has been very successful in diversifying its economy. UNCTAD investment report 2022 ranks the UAE first in the Arab world and 19th globally in attracting foreign direct investment. Other growth industries in the UAE include:

- Construction.
- E-commerce.
- Tourism and travel.
- Real estate, health.

- Hospitality (hotel chains, restaurants and other food establishments).
- Consultancy services.

Due to its strategic location, the UAE has become a commercial hub where many multinational companies choose to establish their regional headquarters.

## Population and Language

As of 24 November 2022, the population of the UAE is 10,175,950, based on Worldometer elaboration of the latest United Nations data. Emiratis constitute roughly 20% of the total population, making UAE home to one of the world's highest percentage of expatriates (the UAE is home to over 196 nationalities). Indians and Pakistanis form the largest expatriate groups in the country, constituting 28% and 12% of the total population respectively. Approximately 18% of the population are persons from other Arab League member states and approximately 5% are westerners.

Arabic is the official language. However, English is the de facto business language and is spoken by most business people. Persian, Hindi and Urdu are also widely spoken. The Muslim faith is practiced by the overwhelming majority, although there is a significant number of adherents of other faiths, particularly Christianity and Hinduism.

## Business Culture

Business etiquette in the UAE is all about respect. Loyalty and personal relationships are the key to doing business in the UAE. The business culture has long been more conservative than one might experience in western countries. Recently, however, there has been a blending of eastern and western cultures with much more relaxed attitudes.

Government and the private sector are increasingly concerned about corporate social responsibility and are taking measures to promote more women in the workplace and discourage corporate crimes.

In general, the workday in the UAE runs for eight hours, from 9 am to 5 pm. In December 2021, the working week was changed to Monday to Friday (from Sunday to Thursday). Following this shift, the Emirate of Sharjah announced a four-day working week (Monday to Thursday) for the public sector.

## Other

The UAE's facilities are modern and generally excellent, including communications, air transport, and education. There are relatively few restrictions, allowing expatriates to generally lead a lifestyle substantially of their own choice.

2. What are the key recent developments affecting doing business in your jurisdiction?

## Key Business and Economic Events

The UAE hosts hundreds of business, economic, arts and culture events all year round. The UAE has several permanent exhibition spaces such as Abu Dhabi National Exhibition Centre, Dubai World Trade Centre and Expo Centre Sharjah. The UAE is also a hub for trade shows, conferences and exhibitions. In addition, several big budget international sports and leisure competitions, tournaments and events involving high prize money are held in the UAE.

The most talked about event of 2021/2022 in the UAE was Expo 2020 (although postponed from 2020 to 2021 due to the COVID-19 pandemic, the name was kept as Expo 2020 for marketing and branding purposes), which was attended by over 24 million people.

On 5 September 2021, the UAE kicked off “Projects of the 50”, a series of massive projects that will accelerate the nation’s growth over the next five decades.

Other key drivers of the UAE’s economy in 2021 included (among others):

- The launch of an industrial strategy worth AED300 billion.
- The beginning of trading in Murban crude oil.

Emirates News Agency (the official news agency of the UAE, also known as WAM) has reported that the UAE’s economy grew by a very impressive 27% in 2021 compared to 2020.

In November 2021, more than 40 laws were amended to boost the country’s economic environment and investment infrastructure.

### Political Events

The UAE is a Federation of the seven Emirates of:

- Abu Dhabi.
- Ajman.
- Dubai.
- Fujairah.
- Ras Al Khaimah.
- Sharjah.
- Umm Al Quwain.

Each Emirate has its own Ruler. The Ruler of Abu Dhabi is the President of the Federation, and the Ruler of Dubai is the Vice President.

The late Sheikh Zayed bin Sultan Al Nahyan was widely credited with unifying the seven emirates into one nation. He was the UAE’s first president from the formation of the UAE until his death on 2 November 2004. He was succeeded by his son, Sheikh Khalifa bin Zayed, who died in office on 13 May 2022. On 14 May 2022, the late Sheikh Khalifa bin Zayed was succeeded by his brother, Sheikh Mohamed bin Zayed al-Nahyan (colloquially known by his initials MBZ).

Under the Constitution of the UAE, each of the seven Emirates retains a very substantial measure of control over the conduct of governmental affairs within the Emirate. The subjects over which the Federation exercises control are:

- Defence.
- Foreign affairs.
- Communications.
- Education.

- Health.

In addition, the Federation has legislative authority with regard to a number of matters, including commercial and corporate law. The individual Emirates retain control over all matters not specifically stated in the Constitution to be under Federal authority.

## New Legislation

### Federal Corporate Tax.

The UAE Ministry of Finance announced on 31 January 2022 the introduction of corporate tax commencing from June 2023 (see [Question 21](#)).

Companies Law. Federal Law By Decree No. 32 of 2021 on Commercial Companies (Companies Law) came into force on 2 January 2022. It replaced Federal Law No. 2 of 2015 on Commercial Companies. The Companies Law is applicable to all entities established in the UAE outside of the free zone areas. The Companies Law (among other things) solidifies the concepts of foreign ownership of companies, corporate governance and minority protection. The Companies Law also introduces special purpose acquisition companies and special purpose vehicles.

Employment Law. The UAE Government has passed Federal Decree Law 33 of 2021 on the Regulation of Labour Relations (Labour Law) which replaces, in its entirety, Federal Law 8 of 1980 Concerning the Regulation of Labour Relations (Old Labour Law). The Labour Law came into effect on 2 February 2022. The Labour Law has introduced significant new changes and radically overhauled the Old Labour Law. Under the Labour Law, Implementing Regulations have been promulgated as Cabinet Resolution No. 1 of 2022. The Implementing Regulations also came in effect from 2 February 2022. See [Question 12](#).

Data Protection Law. Federal Decree-Law 45 of 2021 (Data Protection Law) was issued on 26 September 2021. See [Question 37](#).

Virtual Assets Laws. At the end of February 2022, the Emirate of Dubai enacted Law 4 of 2022 on the Regulation of Virtual Assets (VAL) and established the Dubai Virtual Assets Regulatory Authority (VARA). VARA will act as an independent regulator tasked with the governance, regulation and licensing of cryptocurrencies, non-fungible tokens (NFTs) and other virtual assets in Dubai. VAL's ambit does not cover or regulate activities related to virtual assets in the financial free zone, the Dubai International Finance Centre (DIFC). The DIFC has its own regulatory framework for virtual assets under the jurisdiction of the Dubai Financial Services Authority (DFSA). On 1 November 2022, the DFSA's Crypto Token Regime came into force. Any person wishing to carry out certain activities in or from the DIFC, in relation to Crypto Token financial related services, will require the DFSA's approval.

## Legal System

3. What is the general legal system in your jurisdiction?

The UAE is a civil law jurisdiction. The Federal Constitution apportions powers between the federal government (based in Abu Dhabi) and the seven constituent emirates. Certain areas are regulated:

- Federally (such as immigration and labour).

- At the emirate level (such as natural resources within each emirate, including petroleum).
- At both the federal and emirate levels (such as company formation and registration).

However, the two financial free zones (the Dubai International Financial Centre (DIFC) and Abu Dhabi Global Market (ADGM)) have their own legal system and body of courts, which are based on a common law system.

## Foreign Investment

4. Are there any restrictions on foreign investment, ownership or control?

## Government Authorisations

A foreign company can establish its presence in the UAE by setting up a branch or forming a company. A branch or company must obtain a licence from the federal and/or emirate level authorities to carry on its proposed activities. Certain industries, such as banking, insurance and investment, are subject to additional regulation.

In the past, a branch of a foreign company was required to appoint a UAE national sponsor (called a national agent). Such national agents had no ownership rights in the branch. Under the new Companies Law (see [Question 2](#)), a branch of a foreign company is no longer required to have a UAE national sponsor. However, depending on the nature of business activity, an authority that regulates the activity (other than the licensing authority) may still require appointment of a UAE national sponsor (such as in the oil and gas sector).

## Restrictions on Foreign Shareholders

Generally, a foreign company/individual can establish a 100% foreign-owned entity in the mainland/onshore UAE. However, the following activities are considered to have “strategic impact”, in which 100% foreign ownership is still not permitted:

- Security and defence activities and activities of a military nature.
- Banks, money exchange, finance companies and insurance activities.
- Printing currencies.
- Telecommunications;
- *Hajj* and *umrah* services.
- Fisheries related services.

## Restrictions on Acquisition of Shares

See above, [Restrictions on Foreign Shareholders](#).

## Specific Industries

The UAE has more than 40 free zones, including the:

- Jebel Ali Free Zone.
- Dubai Multi Commodities Centre.
- Dubai Airport Free Zone.
- Dubai South.
- DIFC.

In general, the free zones focus on different business areas (including shipping, commodities, media, financial services and telecommunications) and have their own regulators. Operations within a free zone can be 100% foreign owned, and no UAE national agent or UAE partner or shareholder is required.

5. Are there any restrictions or prohibitions on doing business with certain countries, jurisdictions, entities, organisations or individuals?

Following the announcement of the Abraham Accord with Israel in August 2020, Federal Decree Law 4 of 2020 was issued, which repealed Federal Law 15 of 1972 concerning the Arab League Boycott of Israel. Israeli individuals and/or businesses are now permitted to set up businesses in the UAE. Individuals and companies in the UAE are now permitted to enter into agreements with parties in Israel, to transact business and to import and trade in Israeli goods and products.

In 2021, the UAE (along with Saudi Arabia, Bahrain and rest of the Gulf Cooperation Council (GCC) member states) lifted restrictions on dealings with Qatar.

The UAE does not have any unilateral sanctions. However, in principle, the UAE observes UN imposed sanctions.

6. Are there any exchange control or currency regulations or any registration requirements under anti-money laundering laws?

There are no currency exchange controls and no restrictions on the remittance of funds.

The anti-money laundering (AML) legislation includes:

- Federal Decree-Law No. 20/2018 on Anti-Money Laundering and Combating the Financing of Terrorism and Illegal



Organisations.

- Cabinet Decision No. 10/2019 Concerning the Implementing Regulation of Federal Decree-Law No. 20/2018 on Anti-Money Laundering and Combating the Financing of Terrorism and Illegal Organisations.
- Other supplementary regulations and circulars issued by the UAE government.

Under the AML legislation, all “financial institutions” (FIs), including “designated non-financial businesses and professions” (DNFBPs), (as defined under the AML legislation) must register on the GoAML System, an online platform provided by the Financial Intelligence Unit (FIU) for the reporting of suspicious transaction reports (STRs).

All entities based in the UAE (including its free zones) must register their ultimate beneficial owners with the appropriate licensing authority and maintain a register of beneficial owners. The register must be updated within 15 days from the date of being aware of any change in the details mentioned in the register. Any change in the register of beneficial owners must also be registered with the appropriate licensing authority.

7. What grants or incentives are available to investors?

## Grants

The Mohammed Bin Rashid Fund is a fund aimed to finance innovative small and medium enterprises within seven sectors:

- Renewable energy.
- Transportation.
- Education.
- Health.
- Water.
- Technology.

Applicants must be a resident, individual or a company registered in the UAE. Applying is not restricted to Emiratis.

Certain free zones often offer discounts for a limited period on registration and licence fees for new entities.

## Incentives

Various types of incentives are available for investors, including:

- 100% foreign ownership (see [Question 4](#)).
- Tax exemptions.
- Long-term residence visas (from five to ten years) for investors.

## Foreign Investors

The UAE has established various free zones, each of which is regulated by the relevant free zone authority. Free zones are generally subject to their own company laws, independent of the company law of the UAE. Foreign companies can establish branches or incorporate wholly owned subsidiaries in the free zones, without the need to appoint a UAE national sponsor or have any UAE national ownership.

Free zones attempt to distinguish themselves by appealing to a particular type of business and offering an environment attractive to those businesses in terms of infrastructure, location and other factors, such as guaranteed tax holidays. Even outside the free zones, currently there is no corporate or personal income tax (except on foreign banks and courier companies operating in the UAE) (see [Question 19](#) and [Question 21](#)).

Outside of the free zone areas, foreigners are now permitted to own 100% of entities in mainland UAE (see [Question 4](#)).

## Business Vehicles

8. What are the most common forms of business vehicle used in your jurisdiction?

### Main Business Vehicles

The most common form of business vehicle used by investors is an onshore limited liability company (LLC). LLCs provide for limited liability of their shareholders and the ability to trade in the UAE (outside the free zone areas). An entity established in one of the free zones of the UAE cannot carry on business outside the free zone area in the UAE.

### Foreign Companies

The most common form of business vehicle used by foreign companies is the LLC. Other common forms of business vehicles include establishing branches of a foreign company and the incorporation of companies in free zones.

9. What are the main formation, registration and reporting requirements for the most common corporate business vehicle used by foreign companies in your jurisdiction?

## Registration and Formation

An LLC is formed by a memorandum of association entered into by the shareholders of the LLC. Each emirate of the UAE has its own licensing authority. An LLC must be licensed by the relevant emirate level authority. Once all necessary documentation is in order, the registration and licensing process takes approximately ten working days. However, it can take longer if the licence requires the approval of an additional regulatory body (for example, additional approvals from the Dubai Municipality

are required to license a contracting company).

Some licensing authorities provide for naming requirements (for example, that the name cannot include the name of a country or government, and must strictly reflect the business activity).

## Reporting Requirements

An LLC must keep a record of the names, nationalities, date of birth and domiciles of all shareholders and their respective share values, at the LLC's headquarters. An LLC must also maintain financial records, which must be audited by a licensed auditor. The audited financial statements are not currently required to be filed with any authority.

An LLC must annually renew its licence and registration with the local authorities.

The UAE has recently passed and implemented Economic Substance Regulations (Regulations), which are applicable to all licensed entities conducting "relevant activities". The relevant activities are:

- Banking business.
- Insurance business
- Investment fund management business.
- Lease-finance business.
- Headquarters business.
- Shipping business.
- Holding company business.
- Intellectual property business.
- Distribution and service centre business.

Entities that do not conduct relevant activities are outside the scope of the Regulations.

If an entity earns any income from one or more relevant activities during its financial year, it must meet the requirements under the Regulations, and must file with the Ministry of Finance (MoF) an:

- Annual notification within six months of the end of the relevant financial period.
- Economic substance report within 12 months of the end of the relevant financial period.

A notification must still be submitted to MoF by an entity conducting a relevant activity if did not earn any income from the relevant activity.

An LLC (and all other types of entities) must file details of its ultimate beneficial owners with the licensing authority. Any change in the details of an ultimate beneficial owner is required to be notified to the licensing authority.

## Share Capital

An LLC must have capital that is sufficient to achieve its purpose of incorporation. In practice, the level of the capital must be approved by the appropriate emirate authority.

## Non-Cash Consideration

In-kind contributions are accepted as payment for shares in an LLC, but are subject to certain requirements concerning certification of the value of such contributions.

## Rights Attaching to Shares

An LLC cannot issue transferable shares or bonds, or resort to public subscriptions (these activities are reserved for public joint stock companies). The Companies Law sets out the rights and restrictions on shares of an LLC.

**Restrictions on Rights Attaching to Shares.** Shareholders of LLCs can have different rights under the memorandum of association of the LLC with regard to participation in management and the share of the profits.

**Automatic Rights Attaching to Shares.** Shareholders have the following basic rights:

- The right to one vote in respect of each share held by them.
- The right to transfer their shares, subject to pre-emption rights of other shareholders.
- The right to share in the profits of the company, subject to certain statutory conditions and any restrictions in the memorandum of association regarding statutory reserves.

10. What is the standard management structure and key liability issues for the most common form of corporate business vehicle used by foreign companies in your jurisdiction?

## Management Structure

An LLC must be managed by one or more managers, as determined by the shareholders in the memorandum of association. A manager can be one of the shareholders or any other person. Where an LLC has more than one manager, its meetings are regulated by the LLC's memorandum, subject to which the manager(s) have full power to manage the LLC and make binding decisions on its behalf. If the LLC has more than 15 shareholders, the memorandum must provide for a supervisory board of at least three shareholders. The supervisory board:

- Can examine the LLC's books and documents.
- Can require the managers to submit reports on their management.
- Supervises the LLC's balance sheet, its annual reports and the distribution of profits.
- Submits its own reports to the general assembly of shareholders.

An LLC must hold a general assembly of the shareholders at least once a year, during the four months following the end of the LLC's financial year, and at any other time if requested by the manager(s) or by shareholders holding at least 10% of the LLC's capital. The notice period to convene a general assembly is at least 21 days. Resolutions of the general assembly must be adopted by shareholders representing at least 50% of the LLC's capital, unless the memorandum provides for a greater majority. A person who is not a manager can act as a proxy for a shareholder at a general assembly meeting.

## Management Restrictions

Unless indicated otherwise, the provisions of the Companies Law applicable to the directors of a joint stock company are applicable to the managers of LLCs. Restrictions on the management can be set out in the memorandum of association of an LLC. The Companies Law does not require the manager of an LLC to be a resident of the UAE.

## Directors' and Officers' Liability

The board members and executive management of an LLC are liable to the LLC, the shareholders and third parties for:

- Acts of fraud.
- Abuses of power.
- Violations of the Companies Law (or regulations provided by the law).
- Gross errors in management.

## Parent Company Liability

The liability of a shareholder in an LLC is generally limited to the value of its shareholding.

## Environment

11. What are the main environmental regulations and considerations that a business must take into account when setting up and doing business in your jurisdiction?

The key legislation for environmental protection in the UAE is Federal Law No. 24 of 1999 for the protection and development of the environment (Environmental Law). Other legislation has been introduced that deals with specific matters, for example Federal Law No. 16 of 2007 concerning animal welfare.

Companies wishing to conduct business in a particular Emirate must obtain the required environmental permits (to the extent the business activity is relevant to the environment) from the authorities that regulate environmental concerns in that Emirate.

## Employment

### Laws, Contracts, and Permits

12. What are the main laws regulating employment relationships?

## Foreign Employees

The new Labour Law (see [Question 2](#)) regulates most employment relationships in the UAE. The Labour Law applies to all employees working in the UAE, including foreign employees working in the UAE. However, it does not apply to:

- UAE national employees who are employed abroad.
- Employees of UAE companies working abroad.
- The government sector.
- Domestic servants.
- Agricultural workers.

It is important for employers to review any existing employment handbooks and policies to ensure compliance with the new Labour Law. Provisions regarding discrimination, termination, end of service, maternity leave (among other things) may need to be amended.

## Employees Working Abroad

The Labour Law does not apply to UAE national employees who are employed abroad.

## Mandatory Rules of Law

The Labour Law imposes minimum standards on the termination of employment, working hours, vacation time and safety standards, among other things, which cannot be contracted out of. All employers in the UAE (other than those in exempt categories or in free zones) must register with the Ministry of Human Resources and Emiratization (MOHRE).

The new provisions of the Labour Law include the following:

- **Flexible work.** The Labour Law recognises various forms of employment, including part-time, temporary and flexible (freelance) employment.
- **Contracts.** All employees must be engaged on fixed-term contracts (which must be set out in the contract), which can be renewed any number of times for similar or shorter periods. Under the old Labour Law, employees could be engaged on unlimited term employment contracts. Employers have until 1 February 2023 to adopt appropriate employment contracts. The template form has been provided by the MOHRE and is available on its website.
- **Non-compete.** A non-compete clause cannot exceed two years in duration. An action by an employer for breach of a non-compete clause must be brought no later than one year from the date on which the employer discovers the breach on the part of the employee.

After issuance of the Labour Law, various Ministerial Decisions have been passed covering various aspects of labour/employment laws such as on:

- Wage protection.
- Formation of a committee to assess grievances against MOHRE decisions.
- The regulation of labour disputes and complaints procedures.
- Occupational health and safety.

- Labour accommodation.

13. Is a written contract of employment required?

### Main Terms

The MOHRE requires a written standard employment contract. An employment contract must be for a specified period of time. Such a contract can be renewed any number of times.

### Implied Terms

The minimum standards provided in the Labour Law apply regardless of contrary contractual provisions or choice of law clause in the contract. See [Question 12](#).

### Collective Agreements

Trade unions and collective bargaining are not currently permitted.

14. Do foreign employees require work permits and/or residency permits?

### Work Permits

Foreign nationals require work permits/ID cards (issued by relevant authority) to work in the UAE. For a foreign national to obtain a work permit in the UAE, the foreign national must enter into an employment contract with an employer that is duly licensed in the UAE. Employment contracts with MOHRE-registered employers must be in the form prescribed by the MOHRE and registered with it.

### Residency Permits

Foreign national employees must have UAE residency visas (sponsored either by the employer or any other mechanisms such as a golden or property visas) to work in the UAE.

The entire process (to obtain work permit and UAE residency visa) costs about AED7,500 and takes four to five weeks.

## Termination and Redundancy

15. Are employees entitled to management representation and/or to be consulted in relation to corporate transactions (such as changes in control, redundancies and disposals)?

Employees are not entitled to management representation or to be consulted in relation to corporate transactions. For both UAE nationals and non-nationals, employee grievances are handled through a conciliation process administered by the MOHRE (for MOHRE-registered employers) or by appropriate free zone authority (for employers licensed in free zones).

16. How is the termination of an individual's employment regulated?

## Termination

What constitutes a legitimate reason for termination is not defined, but generally the reason for termination must relate to the employee's work. The Labour Law requires a minimum notice of at least 30 days and no more than 90 days.

On termination of employment, the Labour Law requires that an employee be reimbursed for all entitlements they have not utilised, such as accrued but untaken leave.

In addition, Article 51 of the Labour Law states that employees who complete one year or more of continuous service are entitled to a gratuity at the end of their service. An employee who has served up to five years receives 21 days of basic salary for each year of service. An employee who has served in excess of five years receives this gratuity as calculated for the first five years, plus 30 days of basic salary for each year in excess of five years. Partial years are pro-rated. The maximum gratuity is capped at two years of salary of the employee.

The new Labour Law removes the possibility of reducing the end of service gratuity where an employee terminates the employment contract. The calculation of the end of service gratuity remains the same irrespective of whether the employment has been terminated by the employer or the employee.

## Fair Dismissal

The statutory minimum notice period is not required if the termination is due to the employee's misconduct (Article 44, Labour Law). Misconduct includes the violation of safety rules, non-performance of main duties and intoxication during working hours.

**Severance Payment.** Pay in lieu of notice is an acceptable alternative.



## Unfair Dismissal

**Grounds for Unfair Dismissal.** In a wrongful dismissal, the employer can be ordered by the court to pay compensation of up to three months' salary to the employee.

**Remedies.** Employee grievances are handled through a conciliation process administered by the MOHRE (for MOHRE-registered employers) or by appropriate free zone authority (for employers licensed in free zones). If the parties are unable to reach a settlement, the aggrieved party can file a case before the applicable UAE courts.

## Class of Individuals

The Labour Law prohibits discrimination based on race, colour, sex, religion, national or ethnic origin or disability.

17. Are redundancies and mass termination regulated?

## Redundancies and Mass Termination

There are no specific regulations in relation to redundancies and mass layoffs.

## Procedural Requirements

Not applicable.

## Tax

### Taxes on Employment

18. In what circumstances is an employee taxed in your jurisdiction?

## Tax Residence

There are no personal taxes in the UAE. An Individual can obtain a tax residency certificate from the Federal Tax Authority (subject to satisfaction of the requirements) stating that the person meets the UAE tax residence in reference to a particular double tax treaty (DTT), where there is an active DTT in place.

## Other Methods to Determine Residency

Not applicable.

19. What income tax, social security and other tax or contributions must be paid by the employee and the employer during the employment relationship?

## Tax Resident Employees

The UAE does not impose any personal income taxes on either UAE national or non-UAE national employees.

A statutory pension contribution of 5% of the salary is payable by UAE national employees. Non-UAE national employees do not make any social security contributions. However, certain pension deductions are applicable to GCC nationals employed in the UAE.

## Non-Tax Resident Employees

The UAE does not impose personal income tax.

## Employers

A statutory pension contribution of 12.5% of the salary is payable by the employer in relation to employees who are UAE nationals. Pension contributions must also be made for employees from other GCC countries as per the requirements of those GCC countries.

## Business Vehicles

20. When is a business vehicle subject to tax in your jurisdiction?

## Tax Resident Business

The UAE Ministry of Finance announced on 31 January 2022 the introduction of corporate tax commencing from June 2023 (see [Question 21](#)).

While the corporate tax law has still not been promulgated, subject to satisfying the requirements of the Federal Tax Authority, UAE entities should be able to obtain UAE tax residency certificates.

## Non-Tax Resident Business

The mechanism on when and how a non-tax resident business will be taxed in the UAE is likely to be clarified after promulgation of the corporate tax law (see [Question 21](#)).

21. What are the main taxes that potentially apply to a business vehicle subject to tax in your jurisdiction?

The UAE Ministry of Finance announced on 31 January 2022 the introduction of corporate tax (commencing from June 2023).

Although the law is yet to be promulgated, certain details have been announced.

The UAE corporate tax is a federal tax, and will therefore apply across all Emirates, with the Federal Tax Authority responsible for administration of the UAE corporate tax regime. One corporate tax return will need to be filed electronically per financial period (generally one year). There will be no provisional or advance corporate tax filings, nor any requirement to make advance corporate tax payments (that is, no tax instalment regime).

The taxable income will be the accounting net profit of a business, after making adjustments for certain items to be specified under the UAE Corporate Tax Law. The accounting net profit of a business will be the amount reported in the financial statements in accordance with internationally acceptable accounting standards.

The corporate tax rates to be levied are:

- 0% for taxable income up to AED375,000.
- 9% for taxable income above AED375,000.
- 15% for multinationals that meet certain criteria.

The UAE corporate tax will commence for financial years starting on or after 1 June 2023.

UAE corporate tax will apply to businesses that operate as corporate entities or as sole proprietorships. Many details pertaining to the UAE corporate tax regime remain currently unknown. Once promulgated, the UAE Corporate Tax Law will provide the operational detail and guidance required.

Emirate-level taxes are also imposed on the petroleum concession holders at rates specifically negotiated in the relevant concession agreements.

Dubai, and certain other emirates, impose taxes on some goods and services (including sales of alcoholic beverages, hotel and restaurant bills, and residential leases). The UAE's Federal Tax Authority also imposes excise duty on certain products, and oversees the implementation of VAT (at a rate of 5%).

## Dividends, Interest and IP Royalties

22. How are the following taxed:

- Dividends paid to foreign corporate shareholders?
- Dividends received from foreign companies?
- Interest paid to foreign corporate shareholders?
- Intellectual property (IP) royalties paid to foreign corporate shareholders?

### **Dividends Paid**

The UAE does not impose taxes on dividends (paid or received).

### **Dividends Received**

The UAE does not impose taxes on dividends (paid or received).

### **Interest Paid**

The UAE does not impose taxes on interest payments.

### **IP Royalties Paid**

The UAE does not impose taxes on royalty payments.

### **Groups, Affiliates and Related parties**

23. Are there any thin capitalisation rules (restrictions on loans from foreign affiliates)?

No thin capitalisation rules apply in the UAE.

24. Must the profits of a foreign subsidiary be imputed to a parent company that is tax resident in your jurisdiction (controlled foreign company rules)?

No controlled foreign company rules apply in the UAE.

25. Are there any transfer pricing rules?

No transfer pricing rules apply in the UAE.

### **Customs Duties**

26. How are imports and exports taxed?

Under the GCC's agreement to impose uniform rates for customs duties, the UAE imposes a uniform 5% customs duty on the import of goods from outside the GCC. Limited exemptions apply to military and security purchases and some food items.

### **Double Tax Treaties**

27. Is there a wide network of double tax treaties?

The UAE is party to more than 100 international tax treaties.

### **Competition**

28. Are restrictive agreements and practices regulated by competition law? Is unilateral (or single-firm) conduct regulated by competition law?

Federal Law No. 4 of 2012 (Competition Law), which came into force on 23 February 2013, applies to all entities in relation to:

- Economic activities carried out within the UAE.
- The utilisation of IP rights within and outside the UAE.
- All economic activities outside of the UAE that have an effect on competition inside the UAE.

However, the following entities and sectors have been expressly exempted from the application of the Competition Law:

- Federal and local government entities and entities owned or controlled by federal and local government entities.
- Small and medium size entities. The definition of a small and medium establishment is set out in Cabinet Resolution No. 22 of 2016, and can be divided into the:
  - trade sector;
  - industry sector;
  - service sector.
- In each sector, small and medium establishments can be identified by the number of employees and annual turnover.
- Entities operating in the following sectors:
  - telecommunications;
  - financial;
  - media (prints, audio and visual);
  - oil and gas sector;
  - production and distribution of pharmaceutical products;
  - postal services (including express mail, electricity and water production and distribution);
  - sewage and waste disposal; and
  - land, sea and maritime transportation (including transportation by rail and related services).

The Competition Law allows entities to seek an exemption to the Competition Law from the UAE Ministry of Economy. The procedure for seeking an exemption is set out in the regulations (*Cabinet Decision No. 37 of 2014*) (Cabinet Decision) to the

Competition Law. The Cabinet Decision also provides for the issuance of implementing regulations that have not yet been declared by the Ministry of Economy.

### **Restrictive Agreements and Practices**

The Competition Law prohibits restrictive agreements between entities that may contravene, limit or prevent competition. However, under Cabinet Resolution No. 13 of 2016, restrictive agreements are deemed to have a weak impact on competition if the overall share of contracting establishments does not exceed 10% of the total transactions in the relevant market.

The Competition Law provides for fines between AED500,000 and AED5 million for entering into restrictive agreements. An entity violating the provisions of the Competition Law can also be subject to criminal sanctions.

### **Unilateral Conduct**

An entity with a dominant position in the local market or a significant part of that is prohibited from any acts or dealings by abusing its dominant position to prevent, limit or weaken competition. Under Cabinet Resolution No. 13 of 2016, an establishment is considered to be in a dominant position if the establishment's total transactions exceed 40% of the market.

The Competition Law provides for fines between AED500,000 and AED5 million for abusing market dominance. An entity violating the provisions of the Competition Law can also be subject to criminal sanctions.

29. Are mergers and acquisitions subject to merger control?

### **Transactions Subject to Merger Control**

The Competition Law requires entities to seek merger clearance from the UAE Ministry of Economy if there will be an economic concentration. An economic concentration is a transaction that:

- Will result in the acquisition of a direct or indirect, total or partial interest or benefit in assets, equity, and/or obligations of another entity to which the Competition Law applies.
- Will create or promote a dominant position.
- May affect the level of competition in the relevant market.

The requirement to submit a merger clearance request is therefore triggered in all cases where there is an economic concentration, irrespective of whether the parties to the concentration have a formal, licensed presence in the UAE. The test is an effect-based test.

Under Cabinet Resolution No. 13 of 2016, an establishment is considered to be in a dominant position if the establishment's total transactions exceed 40% of the market, in which case merger clearance must be sought. The Resolution does not specify whether the parties to an economic concentration must meet the threshold together or separately, provided that together (after the concentration is complete) they have a market share of at least 40% in the relevant market.

The Competition Law provides for fines of between 2% and 5% of the infringing entity's annual revenue derived from the sale

of the relevant goods and services in the UAE for a failure to notify a transaction that must be notified under the Competition Law. An entity violating the provisions of the Competition Law can also be subject to criminal sanctions.

### Foreign-to-Foreign Acquisitions

Foreign-to-foreign transactions must also be notified if they otherwise qualify for a filing.

### Specific Industries

See [Question 28](#).

### Anti-Bribery and Corruption

30. Are there any anti-bribery or corruption regulations affecting business in your jurisdiction?

The UAE does not have a standalone bribery law. Bribery and corruption are governed by several laws. Federal Law No. 3 of 1987 (Penal Code) is the primary legislation governing bribery. A “bribe” is not explicitly defined in the Penal Code. The United Nations Convention Against Corruption, which was adopted in the UAE by Federal Decree No. 8 of 2006, defines “bribery” as a criminal offence where the following is committed intentionally:

- The promise, offering or giving, to a public official either directly or indirectly, of an undue advantage, for the official themselves or another person or entity, in order that the official acts or refrains from acting in the exercise of their official duties.
- The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official themselves or another person or entity, in order that the official acts or refrain from acting in the exercise of their official duties.

The relevant provisions of the Penal Code apply to any person who commits a bribery offence, whether an individual or legal person.

### Intellectual Property

31. What are the main IP rights that are recognised in your jurisdiction?

The UAE is a member of the General Agreement on Tariffs and Trade, and accordingly all provisions relating to IP, including reciprocity, apply in the UAE. The UAE also has its own legislation regulating IP.



## Patents

**Definition and Legal Requirements.** Under Article 5 of Federal Law No. 11 of 2021 On the Regulation and Protection of Industrial Property Rights (Patent Law), a patent can be granted to new inventions that:

- Are contrived from a creative idea or creative enhancement.
- Form an inventive step
- Are capable of industrial application.

An invention is deemed to be new if it is not preceded by a previously publicised industrial technology before the date of the application.

**Registration.** Protection is achieved by registration under the Patent Law, which regulates the protection of patents, designs, industrial models and know-how, and is administered by the Ministry of Economy.

**Enforcement and Remedies.** On a violation of any of their rights under the deed of protection (awarded by the Ministry of Economy), patent owners can request the Abu Dhabi Federal Appeal Court to award compensation for damages suffered as a result of the acts contrary to the Patent Law

**Length of Protection.** A patent is valid for 20 years from the date of the filing application. The patent owner must use it or adequately exploit it within three years from the date of issuance of patent. Any interested party can apply for a compulsory licence, according to the procedures set out in Patent Law.

## Trade Marks

**Definition and Legal Requirements.** To be registrable in the UAE, a trade mark must be distinguishable and not yet registered by another person. Registrability is at the Ministry of Economy's discretion.

**Protection.** Protection is achieved by registration under Federal Decree Law No. 36 of 2021 on Trademarks, and is administered by the Ministry of Economy.

**Enforcement and Remedies.** Unauthorised use of a registered trade mark and other related offences are punishable under UAE law. An aggrieved trade mark owner (or licensee) can also bring a civil action for damages. No injunctive relief is available in the UAE courts.

**Length of Protection and Renewability.** A trade mark registration is valid for ten years from the date of filing the application and can be renewed.

## Registered Designs

**Definition.** Designs are defined as any 2D or 3D decorative or aesthetic composition giving a special design that can be used as an industrial or artisanal product. To be registrable, a design must:

- Be new.
- Not violate public order or public morality.

**Registration.** Protection is achieved by registration under the Patent Law, and is administered by the Ministry of Economy. An application is made to the Ministry of Economy for a deed of protection in relation to an industrial design.

**Enforcement and Remedies.** Unauthorised use of a registered industrial design to manufacture or import goods relating to the

industrial design with the intention of selling those goods is punishable under UAE law. The aggrieved industrial design owner (or licensee) can also bring a civil action for damages. No injunctive relief is available in the UAE courts.

**Length of Protection and Renewability.** The protection term for a registered design is 20 years from the date of filing the application for registration.

## Unregistered Designs

Unregistered designs are protected as an unregistered copyright (see below, *Copyright*).

## Copyright

**Definition and Legal Requirements.** Copyright can subsist in a wide variety of media, including (but not limited to):

- Written media.
- Verbal media.
- Musical recordings.
- Photographic media.
- Drawings.
- Smart applications, computer programs and applications, and databases.

**Protection.** Copyrights in the UAE are protected under Federal Decree-Law No. 38 of 2021 on Copyrights and Neighbouring Rights, which is administered by the Ministry of Economy. Protection arises automatically on the author's creation of the work, and registration is not required. However, a copyright can be registered with the Ministry of Economy to provide public notice of the copyright or to establish priority. A registered copyright does not receive greater substantive protection than an unregistered copyright.

**Enforcement and Remedies.** Unauthorised publication of a copyrighted work in the UAE is a criminal offence punishable by imprisonment and/or fines.

**Length of Protection and Renewability.** A copyright is protected for the duration of the author's life plus 50 years, commencing on the first day of the calendar year following the year of their death

## Confidential information

Confidential information is not specifically regulated. However, a person can be liable for acts causing harm under the general provisions of the Civil Code (UAE Federal Law No. 5 of 1985 regarding Civil Transactions (as amended)), which would include harm caused by unauthorised use or publication of the personal or private information of another.

## Marketing Agreements

32. Are marketing agreements regulated?

## Agency

The UAE Commercial Agencies Law (Federal Law No. 18 of 1981, as amended) regulates the appointment of commercial agents, sales representatives and distributors. A commercial agency is defined as any arrangement whereby a foreign company is represented by an agent to distribute, sell, offer, or provide goods or services within the UAE for a commission or profit. The UAE Commercial Agencies Law offers greater protection to commercial agents that are registered with the Ministry of Economy.

The Commercial Code (Federal Law No. 18 of 1993, as amended) augments the Commercial Agencies Law and establishes the regulatory framework for the various types of permitted commercial agencies. The most common type of agency is the contractual agency, whereby the agent undertakes, on a permanent basis and in a specific area of activity, to instigate and negotiate deals for the principal in return for payment.

The primary requirements and characteristics of commercial agencies are as follows:

- Commercial agents must be UAE nationals or companies incorporated in the UAE and owned by UAE nationals according to the criteria set out in the UAE Commercial Agencies Law.
- Commercial agents must be registered with the Ministry of Economy to engage in commercial agency activities. In practice, there are many unregistered commercial agencies held by companies with some foreign ownership.
- The agency agreement must be registered for the agent to be protected under the law and to have the agency relationship recognised.
- Commercial agents are entitled to an exclusive territory encompassing at least one emirate for the specified products.
- Unless otherwise agreed, commercial agents are entitled to receive commissions on sales of the products in their designated territory irrespective of whether these sales are made by or through the agent.
- Commercial agents are entitled to prevent products subject to their agency from being imported into the UAE.

## Distribution

Distributor contracts are treated as contractual agencies when they involve one agent as the sole distributor.

## Franchising

There is no dedicated legislation that regulates franchising in the UAE. The concepts of agency and franchising are often used interchangeably. It is common to have franchising arrangements outside the scope of the UAE Commercial Agencies Law, and such arrangements are mainly governed by Commercial Code. To the extent possible, foreign principals avoid the appointment of agents under the UAE Commercial Agencies Law.

## E-Commerce

33. Are there any laws regulating e-commerce?

E-commerce in the UAE is primarily regulated by the following laws:

- Federal Decree- Law 46. of 2021 on Electronic Transactions and Trust Services (the Electronic Transactions Law).
- Federal Law No. 15 of 2020 on Consumer Protection.
- Federal Decree-Law No. 34 of 2021 concerning the Fight Against Rumours and Cybercrime.
- Federal Law No. 19 of 2016 on Commercial Fraud.
- The Penal Code.

There are various other laws that may apply to e-commerce business in the UAE, such as the National Media Council regulations, anti-money laundering laws, data protection laws and laws concerning type goods and information available through e-commerce platforms.

These laws place obligations on companies doing business online in both a business-to-business and business-to-consumer setting.

34. Are online platforms regulated in relation to their use for marketing/sales purposes?

To conduct business from the UAE, online platforms must register an entity in the UAE and obtain licence(s) from the appropriate licensing authorities.

In 2018, the National Media Council issued the Electronic Media Activity Regulation Resolution 2018, which applies to businesses and individuals carrying out electronic media activities (for example, sites used to trade, present and sell print, video, and audio materials) in the UAE (including free zones).

## Advertising

35. How is advertising regulated in your jurisdiction?

## Digital Advertising

The National Media Council is the main regulator for advertising in the UAE. Administrative Decision No 35 of 2012 concerning the Standards of Advertisement Content in Media applies to all advertisements that are produced, distributed or broadcast in the UAE and the free zones. The regulations determine the standard and control of the advertisement content published in various printed, audio and visual media. In October 2018, the National Media Council published an official advertising guide aiming to clarify standards for the advertisement industry in the UAE and to protect the public from marketing

promotions that do not meet certain standards.

The National Media Council has also clarified that social media influencers must be licensed by the Council, if they accept paid ads to be published on their accounts.

## Direct Marketing

Federal Law No. 15 of 2020 on Consumer Protection (Consumer Protection Law), protects the rights of consumers. Article 4(5) provides that consumers have the right to have their data protected and kept secure, and not used for promotional or marketing purposes.

36. How are sales promotions regulated in your jurisdiction?

The Department of Economic Development (DED) for each emirate oversees electronic transactions for consumer-related commerce and enforces and implements the Consumer Protection Law.

Enforcement is carried out through published codes and policies. The Dubai DED, for example, has published codes on consumer protection, including a code regulating prize promotions.

Entities considering sales promotions, such as discounts, buy-one-get-one-free, free prize draws and competitions must first obtain a permit from the relevant DED. The DED will consider the nature, quantity and value of any prizes, and the time period of the promotion. The DED will also require a copy of the trade licence of the entity wishing to carry out the promotion, a copy of its lease and the payment of a fee.

## Data Protection

37. Are there specific data protection laws? If not, are there laws providing equivalent protection?

### Data Protection Laws

Federal Decree-Law 45 of 2021 (Data Protection Law) was issued on 26 September 2021.

The Data Protection Law applies to the processing of “personal data”:

- Of any data subject who resides or has a place of business in the UAE.
- By any data controller or data processor established in the UAE (regardless of whether the processing of personal data is carried out inside or outside of the UAE).

- By any data controller or data processor established outside of the UAE, but who carries out processing of personal data within the UAE.

”Personal data” is defined broadly under the Data Protection Law (in line with those used under the General Data Protection Regulations in the EU and the data protection laws in the free zones such as the DIFC and ADGM) as any data relating to an identified or identifiable natural person. An identifiable person is one who can be identified directly or indirectly using identifiers such as name, voice, picture, identification number, online identifier, geographic location or one or more specific features that express the physical, psychological, economic, cultural or social identity of that person.

The Data Protection Law prohibits the processing of personal data without the consent of the data subject, unless the processing is due to one of the reasons mentioned in the Data Protection Law. In addition, data subject consent must be given in a clear, simple, unambiguous and easily accessible manner.

”Data processing” under the Data Protection Law refers to any operation or set of operations performed on personal data using any electronic means, such as collection, storage, recording, organisation, adaption, alteration, circulation, modification, retrieval, exchange, sharing, use or classification, disclosure by transmission, dissemination or distribution or otherwise making it available, aligning, combining, restricting, blocking, erasing or destruction.

In addition to the Data Privacy Law, there are certain laws that address data protection issues relating to the confidentiality of information, including:

- Article 31 of the Constitution, which provides for a general right of freedom and secrecy of communication by post, telegraph or other means of communication.
- Article 432 of the Penal Code (Federal Decree-Law No. 31 of 2021), which prohibits any person entrusted with a secret due to their profession, occupation or specialisation from:
  - disclosing the secret in other than lawfully permitted cases; or
  - using the secret for their own private benefit or for the benefit of another person without the consent of the individual.
- Article 44 of the Federal Decree-Law No. 34 of 2021 Concerning the Fight Against Rumors and Cybercrime (Cybercrime Law), which prohibits the invasion of privacy of an individual by means of a computer network and/or electronic information system and/or information technology, without the individual’s consent and unless otherwise authorised by law.

## Consumer Privacy Laws

Federal Law No. 2 of 2019 on the Use of Information and Communication Technology in Healthcare (Health Data Law) aims at regulating the collection, processing and transfer of electronic health data that originates in the UAE, and applies to all information and communication technology methods and uses in the healthcare sector in the UAE, either onshore or in any of the free zones (including the Dubai Healthcare City). The Health Data Law applies to all businesses that handle health data and information, such as:

- Healthcare facilities and providers.
- Pharmacies.
- Medical insurance providers and intermediaries.
- Service providers assisting with medical claims management.
- Technology service providers servicing the healthcare industry.

The DIFC and the Dubai Healthcare City Authority have passed comprehensive laws and regulations regarding data protection laws. Entities established in free zones must follow the laws and regulations of their respective free zones and other federal laws as applicable to the free zone entities.

In addition, the Central Bank of the UAE has discretion regarding whether to permit banks registered in the UAE to store customer information outside of the UAE.

## Product Liability

38. How is product liability and product safety regulated?

The Civil Code contains general provisions imposing liability for harm done to another. These provisions can apply to product liability claims. The Civil Code provides for a distinction between direct and indirect (or consequential) harm but does not define these terms. It is not possible to contract out of liability for causing direct harm, whereas liability for indirect harm can be limited by contract. Liability is assessed on the basis of the amount of harm suffered (including loss of profit if it was a natural result of the harmful act).

Federal Law No. 15 of 2020 on Consumer Protection (Consumer Protection Law) provides protection to the consumer and holds a supplier liable for damages arising out of consumer contracts.

On 1 July 2019, the Federal Law No. 10 of 2018 on the Safety of Products (Product Safety Law) came into effect. The Product Safety Law aims to ensure safety of products that are offered for sale in the UAE and requires a supplier to ensure that:

- The supplier does not offer for sale unsafe products in the UAE.
- A product remains safe after it is sold/rented and during normal and frequent use of the said product.
- The supplier takes the necessary preventive and corrective measures determined by regulations in case of a change in the properties of a product or conversion of a product into an unsafe product due to normal use.

## Regulatory Authorities

39. What are some of the key regulatory authorities relevant to doing business in your jurisdiction?

## Competition

**Main Activities.** The Competition Department at the Ministry of Economy implements the Competition Law in the UAE.

W [www.economy.gov.ae](http://www.economy.gov.ae)

## Environment

**Main Activities.** The Ministry of Climate Change and Environment (MOCCA) has the leading role in formulating policies and enforcing statutes designed to protect the environment of the UAE.

W [www.moccae.gov.ae](http://www.moccae.gov.ae)

## Financial Services

**Main Activities.** The Central Bank of the UAE is responsible for its formulation and implementation of banking, credit and monetary policies and ensuring the growth of the UAE economy.

W [www.centralbank.ae](http://www.centralbank.ae)

## Other

**Main Activities.** *The Telecommunications Regulatory Authority* regulates the telecommunications sector in the UAE. The TRA's main goal is to foster sustainable competition in the UAE's telecommunications sector.

W [www.tra.gov.ae](http://www.tra.gov.ae)

**Main Activities.** The Securities and Commodities Authority regulates and monitors the UAE's financial markets including the Dubai Financial Market, the Abu Dhabi Securities Exchange and the Dubai Gold & Commodities Exchange.

W [www.sca.gov.ae](http://www.sca.gov.ae)

**Main Activities.** The Department of Economy & Tourism in Dubai (DDED) is a government body entrusted to drive Dubai's economic agenda. The DDED develops plans, policies and provides services to domestic and international businesses and investors. Each Emirate in the UAE has its own department of economic development.

W <https://eservices.dubaided.gov.ae>

## Other Considerations

40. Is there anything else that is important relating to doing business in your jurisdiction?

The UAE has more than 40 jurisdictions for establishing and conducting business. An investor should first assess which jurisdiction (within the UAE) is best suited for the proposed business before proceeding to establish the business.



Contributor profiles

**Bashir Ahmed, Managing Partner**

Afridi & Angell  
T +9 714 330 3900  
F +9 714 330 3800  
E [bahmed@afриди-angell.com](mailto:bahmed@afриди-angell.com)  
W [www.afриди-angell.com](http://www.afриди-angell.com)

Professional qualifications. New York Bar Association; International Bar Association; Lahore High Court Association

Areas of practice. Banking and finance; mergers and acquisitions; private equity; corporate and commercial; restructuring; shipping and insurance.

Publications

- *Arrest of Vessels, Maritime Law Handbook, Kluwer Law International (co-author).*
- *Litigation and enforcement in the United Arab Emirates, Practical Law Global Guides (co-author).*

**Saurbh Kothari, Partner**

Afridi & Angell  
T +9 714 330 3900  
F +9 714 330 3800  
E [saurbh@afриди-angell.com](mailto:saurbh@afриди-angell.com)  
W [www.afриди-angell.com](http://www.afриди-angell.com)

Professional qualifications. Bar Council of Rajasthan

Areas of practice. Corporate and commercial; mergers and acquisitions.

**Zaid Mahomed, Associate**

Afridi & Angell  
T +9 714 330 3900  
F +9 714 330 3800  
E [zmahomed@afриди-angell.com](mailto:zmahomed@afриди-angell.com)  
W [www.afриди-angell.com](http://www.afриди-angell.com)

Professional qualifications. Law Society of the Northern Provinces (South Africa)

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