



## Competition protection



### Abuse of a dominant position in the market

**Article (4) of Law No. (19) of 2006 on the Protection of Competition and Prohibition of Monopolistic Practices prohibits abuse of a dominant position by performing illegal practices.**



#### Forms of abuse of a dominant position:

- 1 Abstaining from dealing in products by sale or purchase, limiting or hindering such dealing in a manner that leads to imposing unreal prices.
- 2 Increasing or decreasing available quantities of the product leads to having a shortage or unreal abundance therein.
- 3 Abstaining -without a legal justification- from entering into transactions for the sale or purchase of any product with any person or selling the products subject of the transaction with a price that is less than the actual cost or ceasing to deal with him completely, in a manner which leads to limiting his freedom to get in or out of the market at any time.
- 4 Imposing an obligation of not manufacturing, producing or distributing a product for a limited period(s).
- 5 Imposing an obligation of distributing or selling only a specified commodity or service according to geographical areas, distribution centers, customers, seasons or periods, and among persons having vertical relationships.
- 6 Making any conclusion of a contract or agreement -for sale or purchase of a product- conditional on accepting obligations and products that are in nature or under the commercial use not related to the subject matter of the original transaction or agreement.
- 7 Wasting equal opportunities among competitors by having a preference for particular competitors over others in the conditions of sale or purchase transactions without any legal justification.
- 8 Refraining from supplying a product which is in short supply, whenever the supply of the same is economically possible.
- 9 Obligating a supplier not to deal with any competitor.
- 10 Selling products at a price less than their marginal cost or average variable cost.
- 11 Obligating any party, who is dealing with the persons enjoying control or dominance, not to allow any competitor thereof to use any required facilities or services notwithstanding that they are economically available.



**It should be noted that the above forms of abuse of a dominant position are illustrative but not exhaustive.**

