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Protecting Consumer Privacy Under Resolutions on Marketing Through Phone Calls in the UAE

Protezione della Privacy dei Consumatori secondo le Risoluzioni sul Marketing tramite Chiamate Telefoniche negli Emirati Arabi Uniti

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Abstract
The UAE telecommunications market is rapidly expanding, prompting the issuance of Resolution No. 56 of 2024, which regulates marketing phone calls, and Resolution No. 57 of 2024, which addresses penalties for violations. Both resolutions take effect in mid-August 2024. Resolution No. 56 defines telemarketing and distinguishes between "marketing" and "unwanted marketing" calls. It establishes guidelines for licensed telemarketing companies and procedures to protect consumers, enhancing privacy and fair practices. Resolution No. 57 outlines administrative penalties for violations. This paper reviews the regulatory framework for telemarketing in the UAE.

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Abstract
Il mercato delle telecomunicazioni negli Emirati Arabi Uniti è in rapida espansione, portando all'emissione della Risoluzione n. 56 del 2024, che regola le chiamate di marketing, e della Risoluzione n. 57 del 2024, che affronta le sanzioni per le violazioni. Entrambe entreranno in vigore a metà agosto 2024. La Risoluzione n. 56 definisce il telemarketing e distingue tra chiamate di marketing e indesiderate, stabilendo linee guida per le società di telemarketing autorizzate e procedure per proteggere i consumatori, migliorando la privacy e garantendo pratiche eque. La Risoluzione n. 57 delinea le sanzioni amministrative. Questo documento esamina il quadro normativo per il telemarketing negli Emirati Arabi Uniti.

Keywords: marketing phone calls; unwanted marketing phone calls; telemarketing; resolution; UAE.

Summary: 1. Introduction – 2. What is telemarketing? – 3. Commitments for licensed companies in the UAE conducting telemarketing – 4. Regulations for telemarketing – 5. Consumer protection – 5.1. General principles of the Federal Law No. (15) of 2020 on consumer protection – 5.2. Procedures to shield the consumer from unwanted marketing calls – 6. Administration penalties – 7. Conclusions

1. Introduction

Telecommunications market is growing very fast in UAE; The UAE Telecom Market is projected to be valued at USD 9.08 billion in 2023, with an anticipated growth to USD 10.60 billion by 2028, exhibiting a Compound Annual Growth Rate (CAGR) of 3.15% from 2023 to 2028.[1]

Telecommunications and digital government services are regulated in UAE by the Telecommunications and Digital Government Regulatory Authority (TDRA). This Authority was established in 2003 by Federal Law by Decree No. 3 of 2003 Regarding the Organization of Telecommunications Sector, as amended.

The duties and responsibilities of TDRA is "to oversee the telecommunications sector in the State and all Licensees in accordance with this Federal Law by Decree, its Executive Order and the instructions of the Board. The Authority may provide to the Board any necessary proposals in relation to the general policy of such sector and shall, at the end of each financial year, submit to the Board a report on its activities and business performance during that year".[2] Moreover, the Authority is responsible for handling the subscriber complaints and disputes.[3]

[1] Mordor Intelligence, *UAE Telecom Market Size* <https://www.mordorintelligence.com/industry-reports/analysis-of-the-telecom-sector-in-the-united-arab-emirates-industry/market-size> accessed 07 July 2024.
[2] Article 12 of Federal Law by Decree No. 3 of 2003 Regarding the Organization of Telecommunications Sector, as amended.
[3] See Article 14 (3) of Federal Law by Decree No. 3 of 2003 Regarding the Organization of Telecommunications Sector, as amended.

According to Article 2 of the resolution[4] No. 56 year 2024 regulating marketing through phone calls,[5] telemarketing of products and services is regulated to maintain economic and social stability. The resolution ensure that companies follow the specified channels and times for marketing their offerings and aim to reduce unwanted marketing calls, prioritizing consumers' comfort and privacy. The resolution will apply to all licensed companies in the UAE, including those operating in the free financial and non-financial zones,[6] and will take effect in mid-August 2024.[7] Additionally, the Ministry of Economy will supervise the implementation of this resolution. This will be done in coordination with the Central Bank of the UAE concerning marketing phone calls for banking services, establishments, other financial institutions, and insurance companies. The Securities and Commodities Authority will handle marketing phone calls related to securities and commodities trading services in the country. Local authorities in each emirate will also be involved, each within their respective jurisdictions.[8]

[4] To understand the importance of resolutions, it is necessary to clarify the key legislative types in the UAE.
Federal Constitution: Establishes the fundamental legal framework and governance structure.
Federal Laws: Govern strategic matters, requiring proposal by the Cabinet, review by the Federal National Council, and approval by the President and Supreme Council.
Decrees by Law: Issued between Supreme Council sessions for urgent matters, requiring subsequent Council approval.
Ordinary Decrees: Issued by the President, this occurs after receiving approval from the Cabinet and ratification by either the President of the State or the Supreme Council of the Union, each according to their jurisdiction. It must be published in the official gazette after being signed by the President of the State.
Cabinet Resolutions: They address issues that do not require a law or decree, guiding the functions of ministerial and federal government entities.
Ministerial Decisions and Circulars: Issued by the minister, the undersecretary, or the director general of the federal authority for implementing laws and regulations. For more details, you can view the UAE Ministry of State for Federal National Affairs website accessed at https://www.mfnca.gov.ae/ar/media/altamkin-newsletter-content/types-of-federal-legislation-and-procedures-for-enactment/.

[5] For a comprehensive review of the current literature on consumer privacy and telemarketing, see: N Sholehuddin, S Miskam, FM Shahwahid, TNRA Aziz, and N Mansor, 'A Comparative Legal Analysis on Personal Data Protection Laws in Selected ASEAN Countries: Analisis Perundangan Perbandingan Undang-undang Perlindungan Data Peribadi di Negara-negara ASEAN' (2024) 7(1) Journal of Muwafaqat 23-38; D Wilding, K Lee, K Lindsay, and V Kathirgamalingham, 'The Enforcement of Telecommunications Consumer Protections' (2024) Centre for Media Transition, University of Technology Sydney, Report, pp. 1-94; GE Omelagah, JE Ekpang, BE Odey, NO Egere, and EU Ogri, 'Users' Perception of Telemarketing as a Direct Marketing Technique by Selected Mobile Telecoms Operators in Nigeria' (2024) 11(1) IJRAR 851-866; M Bakhtiarvand and SMH Ghabooli Dorafshan, 'The Approach of Legal Systems Toward Unsolicited Commercial Messages (SPAM)' (2024) 30(24) Encyclopedia of Economic Law Journal 63-78; S Krishnamurthy, 'Spam: A Consumer Perspective' in R Pappu (ed), Revolution in Marketing: Market Driving Changes: Proceedings of the 2006 Academy of Marketing Science (AMS) Annual Conference (Springer International Publishing 2015) 107-107; PO Jonsson, 'The Economics of Spam and the Context and Aftermath of the CAN-SPAM Act of 2003' (2009) 2(1) International Journal of Liability and Scientific Enquiry 40-52; S Tladi, 'The Regulation of Unsolicited Commercial Communications (SPAM): Is the Opt-Out Mechanism Effective?' (2008) 125(1) South African Law Journal 178-192; DW Khong, 'The Problem of Spam Law: A Comment on the Malaysian Communications and Multimedia Commission's Discussion Paper on Regulating Unsolicited Commercial Messages' (2004) 20(3) Computer Law & Security Review 206-212; MY Schaub, 'Unsolicited Email: Does Europe Allow Spam? The State of the Art of the European Legislation with Regard to Unsolicited Commercial Communications' (2002) 18(2) Computer Law & Security Review 99-105; S Krishnamurthy, 'Spam Revisited' (2002) 1(4) Quarterly Journal of Electronic Commerce 305-321.

[6] Article 3 (1) and article 1 of the Resolution No. 56 year 2024 Regulating Marketing Through Phone Calls. Article 1 of the Federal Law No. 8 of 2004 concerning Financial Free Zones defines "Financial Free Zone" as: "A free zone, that is established in any Emirate of the State, in which Financial Activities are carried out".

[7] Article 11 of the Resolution No. 56 year 2024 Regulating Marketing Through Phone Calls.

[8] Article 9 of the Resolution No. 56 year 2024 Regulating Marketing Through Phone Calls.

2. What is telemarketing?

Article 1 of the resolution distinguishes between “marketing phone calls” and “unwanted marketing phone calls”. It defines the former as calls made by a company or an individual to a consumer for the purpose of marketing, advertising, or promoting the products or services they offer, or on behalf of those who authorize them, using a fixed or mobile phone number. This includes marketing text messages and marketing messages through social media applications.

As for “unwanted marketing phone calls”, they are defined as marketing phone calls made in violation of the provisions of this resolution and do not include marketing phone calls made at the consumer’s request.

It should be noted that, in general, “calls” refers to voice calls. However, according to Article 1 of the resolution, telemarketing calls encompass both voice calls and text messages. The resolution includes marketing text messages and marketing messages through social media applications. Furthermore, the article covers both fixed and mobile phone numbers, whether the calls are initiated by the company or its employees.

There is no justification for broadening the definition of telemarketing calls to encompass marketing text messages and promotional messages sent via social media applications. Because, in addition to the resolution regulating marketing through phone calls, the TDRA issued a Mobile Spam Policy, which focuses specifically on marketing text messages rather than voice calls.

Article 1 of the Mobile Spam Policy differentiate between the “licensee’s own marketing text messages” and the “unsolicited electronic communications (spam)”.

Article 1 (9) of the Mobile Spam Policy defines “licensee’s own text messages marketing licensee’s own marketing text messages” as a “marketing text messages sent by a licensee to a mobile customer for marketing services provided by that licensee or its affiliate”. However, Article 1 (10) of the Mobile Spam Policy defines “unsolicited electronic communications (spam)” as “marketing electronic communications sent to a recipient without obtaining that Recipient’s Consent”.

The intent behind the marketing text messages should be to provide goods, services, or business opportunities; advertise goods, services, or business opportunities; solicit donations by charities; or serve any other purpose designated by the TRA. [9]

Moreover, the Mobile Spam Policy did not mention text messages sent by governmental entities and official organizations. However, it is covered by Article 1 (8) of the Policy; as it stated “or any other purpose designated by the TRA”.

Furthermore, the Mobile Spam Policy did not mention “political spam” which is used by candidates to promote their programs to reach the electorate. According to the Article 33 (14) of the Resolution No.25 of 2023 concerning the executive regulations of the 2023 Federal National Council (FNC) elections it is

[9] Article 1 (8) of Mobile Spam Policy.

not allowed to communicate with voters via using text messaging services or digital application messages of all kinds, provided by commercial companies.

Several countries, UK for example, allows Political advertising. Section 7.1 of the UK Code of Non-Broadcast Advertising and Direct & Promotional Marketing (CAP Code) states that: "Claims in marketing communications, whenever published or distributed, whose principal function is to influence voters in a local, regional, national or international election or referendum are exempt from the Code".

Furthermore, Article 1 of the resolution defines a "consumer" as a "natural person (individual)". This narrow definition contradicts Article 1 of Federal Law No. (15) of 2020 on Consumer Protection, which defines a "consumer" as: "Any natural or legal person obtaining a commodity or service for or without a fee to satisfy their own or another person's needs, or who is dealt with or contracted in this regard." Additionally, it is problematic that "marketing phone calls" and "unwanted marketing phone calls" are limited to natural persons, despite the reality that legal persons can also receive such calls.

3. Commitments for licensed companies in the UAE conducting telemarketing

Article 4 of the resolution outlines several commitments for licensed companies in the UAE conducting telemarketing. These include obtaining prior approval from the competent authority to engage in phone marketing, providing thorough training for the company's marketers on professional behavior and ethics in marketing calls, and the basics of using the Do Not Call Registry (DNCR). Marketers should only use local phone numbers issued by authorized telecommunications companies in the UAE and registered under the company's commercial license.

It should be noted that the UAE telecom providers Etisalat, Du, and Virgin Mobile offer the DNCR, a directory of phone numbers of consumers who do not wish to receive telemarketing calls. This directory has been in effect since September 2022. The UAE telecom providers explain how individuals can register and unregister their numbers with the DNCR, how to check if their number is registered in the DNCR, and how to file a complaint about unwanted marketing phone calls.

The process outlined by UAE telecom providers clearly explains how individuals can register and unregister their numbers with the DNCR, and how to file a complaint about unwanted marketing phone calls. However, the definition of "marketing phone calls" also includes marketing messages sent through social media applications. The current complaint forms are designed solely for local mobile, landline, or international numbers. There is no guidance on how individuals can raise a complaint regarding marketing messages received through social media applications, leaving this issue unaddressed.

Additionally, Article 4 of the resolution requires companies to provide a communication channel for consumers who want to receive marketing information, make marketing calls only to those consumers, and avoid calling consumers listed in the DNCR. Companies must keep a record of all marketing

phone calls using the form provided by the competent authority to ensure they have the minimum required data about their marketing activities and retain these records until the specified period ends.

Companies should also record marketing calls and notify the consumer at the beginning of the call that it is being recorded. Additionally, submit periodic reports as required by the competent authority, detailing all marketing calls made within the specified month after the report's due date. They should also sign a code of professional conduct according to the model prepared by the competent authority if deemed necessary to ensure ethical business practices in their marketing activities through phone calls.

Furthermore, companies should only make marketing phone calls between 9:00 AM and 6:00 PM. The caller should identify the company and the purpose of the call at the beginning of the marketing phone call. Companies have to tell where they got people's phone numbers and data if the authorities ask. They also cannot use phone numbers that are not registered or allowed for marketing calls.

4. Regulations for telemarketing

Article 5 of the resolution includes important rules. It bans the use of high-pressure sales tactics and requires that all information given about a product or service must be true and not misleading. Marketing phone calls should only be made between 9:00 AM and 6:00 PM, as mentioned earlier. If the consumer refuses the product or service during the first call, companies must not call them again. Additionally, if the consumer does not answer or ends the call, companies are limiting calls to only once a day and no more than two times a week.

The resolution allows companies to use automated dialing systems to market their products or services. It also requires companies to ask the consumer if they wish to proceed with the call before beginning any marketing or advertising. Companies must adhere to any other regulations issued by the Minister of Economy after coordination with the competent authority and relevant entities, as well as any additional regulations set by the competent authority.

It should be noted that the article specifies that marketing phone calls should only be made between 9:00 AM and 6:00 PM, without distinguishing between working days and off days. In the federal government sector, Saturdays and Sundays are the official weekends, and Fridays are considered a half-day. Additionally, the article does not prohibit marketing phone calls during holidays and public holidays.

Other jurisdiction such as South Africa, specifies the days, holidays and public holidays clearly. Clause 16.8. of the Wireless Application Service Providers' Association (WASPA) Code of Conduct, version 17.6, effective as of August 24, 2023, states: "Unless a consumer has expressly or implicitly requested or agreed otherwise, a member may not engage in any direct marketing directed to a consumer on:

(a) Sundays, public holidays contemplated in the Public Holidays Act, 1994;

(b) Saturdays before 09:00 and after 13:00; and
(c) all other days between the hours of 20:00 and 08:00 the following day.”.

5. Consumer protection

Consumer protection in the UAE is guided by Federal Law No. (15) of 2020, which establishes key principles to uphold consumer rights.[10] In addition to this, Resolution No. 25 of 2023 concerning the executive regulations of the Federal National Council (FNC) outlines procedures to protect consumers from unwanted marketing calls and ensure their privacy.

5.1. General principles of the Federal Law No. (15) of 2020 on consumer protection

The fundamental law protecting consumers in the United Arab Emirates is Federal Law No. (15) of 2020 on Consumer Protection. This law repeals Federal Law No. (24) of 2006.

Alongside the Federal Law, the legislator enacted Cabinet Resolution No. (66) of 2023 Concerning the Executive Regulations of Federal Law No. (15) of 2020 Concerning Consumer Protection, which brought forth the highly anticipated Executive Regulations for the Consumer Protection Federal Law. These regulations came into force in October 2023.

The significance of this law lies in the fact that most of the obligations and penalties outlined in the Consumer Protection Regime were absent in previous legislation. This underscores the UAE’s heightened emphasis on strengthening consumer rights and regulating fair trade practices.[11]

According to Article 2 of the law, its objectives are to safeguard all consumer rights, particularly the following:

1. Quality of Commodities and Services: Ensuring commodities and services are of high quality and available at the advertised price.

2. Health and Safety: Maintaining the health and safety of consumers when acquiring commodities or receiving services, without causing harm from their use.

3. Promoting Sound Consumption Patterns: Encouraging healthy and safe consumer habits.

According to Article 3, the law covers a wide scope[12] and applies not only to commodities and services within the country but also extends to free zones. It governs transactions involving suppliers, advertisers, or commercial agents, whether conducted traditionally or through electronic commerce, if the supplier is registered within the state. This is without prejudice to the treaties and international agreements to which the state is a party.

It is important to note the consumer rights outlined in Article 4 of the law,

[10] W Hussam Al-Din Al-Ahmad, *Explanation of the UAE Federal Consumer Protection Law* (Dar Al Hikma, 2023).
[11] I Shah and J Moussa, ‘Understanding the UAE’s Enhanced Consumer Protection Law’ (2024) Hogan Lovells, accessed at https://www.lexology.com/library/detail.aspx?g=a321eb0c-e620-4f7d-8067-3ada07d53374.
[12] A Lester, ‘Changes to the UAE Consumer Protection Law: What You Need to Know’ (2023) Clyde & Co, accessed at https://www.clydeco.com/en/insights/2023/10/changes-to-the-uae-consumer-protection-law-what-yo.

which include:

1. Safe Environment: The right to a suitable and safe environment when purchasing commodities or receiving services.
2. Accurate Information: The right to receive correct information about the commodities and services purchased, used, or consumed.
3. Education and Awareness: The right to be educated and informed about consumer rights and obligations.
4. Freedom of Choice: The right to choose the most suitable product and service available in the market according to personal preferences.
5. Privacy Protection: The right to privacy and security of personal data, ensuring it is not used for promotional and marketing purposes.
6. Safeguarding consumers' cultural and religious values: The right to have commodities and services provided in a manner that respects religious values, customs, and traditions.
7. Dispute Resolution: The right to fair and swift resolution of disputes.
8. Compensation: The right to fair compensation for damages to oneself or one's property due to the purchase, use, or receipt of commodities and services.
9. Additional Rights: Any other rights established by applicable legislation in the country.

It should be noted that various entities in the UAE are concerned with consumer protection, including the Ministry of Economy through the Supreme Committee for Consumer Protection and the Economic Development Departments in each emirate: Department of Economic Development – Abu Dhabi, Department of Economic Development – Dubai (Consumer Rights Site), Department of Economic Development – Sharjah, Department of Economic Development – Ajman, and Department of Economic Development – Umm Al Quwain. Additionally, the UAE Central Bank, Abu Dhabi Quality and Conformity Council, Abu Dhabi Agriculture and Food Safety Authority (ADAFSA), and the Emirates Society for Consumer Protection also play roles in this regard.

The law includes strict penalties in Articles 29 to 32, imposing imprisonment for up to two years and fines ranging from a minimum of AED 10,000 to a maximum of AED 2,000,000, or either of these penalties, for anyone violating certain legal provisions. Penalties may be doubled for repeat offenses.

In other cases, imprisonment of up to six months and fines ranging from AED 3,000 to AED 200,000, or either of these penalties, may apply, with doubled penalties for repeat offenses.

In addition to imprisonment and fines, the competent court may also order the confiscation or destruction of commodities, materials, and tools used, at the expense of the convicted person. It may also order the closure of the premises where the offense occurred for up to three months and publish the conviction in two local daily newspapers, one of which must be in Arabic, at the convicted person's expense.

If commodities and tools seized by the competent authority are disposed of unlawfully, the penalty is imprisonment for up to two months and a fine equal to twice the market value of the seized commodities and tools, or either of these penalties

5.2. Procedures to shield the consumer from unwanted marketing calls

Article 6 of the resolution specifies procedures to protect consumers from unwanted marketing calls. However, these procedures do not apply to marketing phone calls started upon the consumer's request. Consumers have the right to submit a complaint to the competent authority about unwanted marketing calls. The complaint should include the complainant's name, phone number, the respondent's name and phone number, and any supporting documents, if available. The competent authority will establish regulations and procedures for receiving and resolving complaints according to its practices and may investigate and inquire about unwanted marketing phone calls.

The resolution emphasizes the prohibition of disclosing the consumer's personal data[13] without obtaining their permission or selling it to companies that intend to use it for marketing their products or services through telemarketing calls. Additionally, consumers have the right to register in the DNCR to stop receiving marketing phone calls and to file complaints about them, in accordance with the prevailing legislation and procedures.

6. Administration penalties

Article 3 of the resolution No. 57 of 2024 regarding violations and administrative penalties for actions that occurred in violation of the provisions of Resolution No. 56 of 2024 distinguishes between the administrative penalties imposed by the competent authorities on companies and the penalties imposed by the TDRA on individuals, as well as the administrative penalties imposed by the Central Bank of the UAE on companies and individuals, as stated in article 3 of the resolution.

When it comes to the administrative penalties imposed by the authorities on companies, the competent authority can impose one or more penalties for any actions committed by the companies. The resolution outlines a range of penalties starting with a warning, followed by an administrative fine (according to table No. 1 attached to the resolution),[14] suspension of activity (partially or fully) for a period of 7 to 90 days, license cancellation, removal from the commercial register, disconnection of telecommunications services, and removal of the phone number. Additionally, the administrative decision that imposes the penalty specifies the time frame for the company to fix or remove

[13] Article 1 of the Federal Decree by Law No. 45 of 2021 Concerning the Protection of Personal Data defines "Personal Data" as : "Any data related to a specific natural person or related to a natural person that can be identified directly or indirectly by linking the data, through the use of identification elements such as his/her name, voice, image, identification number, his/her electronic identifier, his/her geographical location, or by one or more physical, physiological, economic, cultural or social characteristics. It includes Sensitive Personal Data and Biometric Data."

[14] The resolution lists 18 types of violations and penalties for companies that break the rules. These include not getting approval from the authorities for phone marketing, with fines of AED 75,000 for the first time, AED 100,000 for the second, and AED 150,000 for the third. There is also a fine of up to AED 150,000 for marketing to consumers on the DNCR, and a fine of up to AED 75,000 for marketers who do not use local phone numbers from authorized telecom companies in the UAE. Additionally, there are fines from AED 25,000 to AED 75,000 for deception and misleading consumers during phone marketing, and other fines ranging from AED 10,000 to AED 150,000 for any other violations of these resolutions.

the violation. If the company fails to do so, the decision also specifies the penalty to be applied, following the previously mentioned gradation. The competent authority may skip the step-by-step penalties and directly impose the most severe penalty if the company repeats the same violation within 6 months of the previous penalty.

Regarding the penalties imposed by the TDRA on individuals, the TDRA, along with authorized telecommunications companies in the country, can impose one or more penalties on a person who makes marketing phone calls that break the rules of the resolution. These penalties are listed in table no. 2 attached to the resolution.[15]

TDRA, along with authorized telecommunications companies, can skip the step-by-step penalties listed in table no. 2 of the resolution and directly impose the most severe penalty if the individual repeats the same violation for the third time.

The Central Bank of the UAE sets out a list of violations and administrative penalties imposed on companies and individuals that violate the resolution, after obtaining the approval of the Cabinet. Consequently, it is noted that the resolution did not include any attached table for these penalties, unlike the administrative penalties imposed by the competent authorities on companies and the penalties imposed by the TDRA on individuals. The resolution also did not address any gradation of penalties, nor the imposition of the most severe penalty in case of repetition, leaving the organization of this matter to the regulation.

It should be noted that the Cabinet has the right to modify the aforementioned fines, whether by addition, deletion, or amendment.[16]

It is important to note that these administrative penalties are not final, as any person with an interest in the matter has the right to appeal. The appeal can be submitted either in writing or electronically to the head of the competent authority or the head of the commission within 15 days from the date of notification of the administrative penalty being appealed. When submitting the appeal, all supporting documents and evidence must be attached. The appeal will be reviewed within 30 days from the date of submission. If there is no response from the receiving authority, the lack of response is considered a rejection. The authority must inform the appellant of the decision and the reasons for the rejection, whether explicitly or implicitly. This process does not apply to the Central Bank of the UAE, which sets its own procedures for appeals.[17]

[15] If an individual makes marketing phone calls for products or services using a landline or mobile phone number licensed in their name, they will be fined AED 5,000 and all their phone numbers will be disconnected until the fine is paid. If they commit the same violation within 30 days, the fine increases to AED 20,000, and their phone numbers will be disconnected for three months. If they repeat the violation again within 30 days of the second penalty, they will be fined AED 50,000 and banned from getting any services from licensed telecommunications companies in the country for 12 months.

[16] Article 4 of the resolution No. 57 of 2024 regarding violations and administrative penalties for actions that occurred in violation of the provisions of Resolution No. 56 of 2024.

[17] Article 6 of the resolution No. 57 of 2024 regarding violations and administrative penalties for actions that occurred in violation of the provisions of Resolution No. 56 of 2024.

7. Conclusions

The resolution makes a clear distinction between “marketing phone calls” and “unwanted marketing phone calls,” with “calls” generally referring to voice calls. However, according to Article 1, telemarketing calls also include text messages and marketing messages via social media applications, covering both fixed and mobile numbers. There is an unnecessary expansion of the definition of telemarketing calls to include text and social media messages, given the TDRA’s Mobile Spam Policy already regulates marketing text messages specifically.

The Mobile Spam Policy excludes text messages from governmental entities but is addressed in Article 1(8) of the Policy, and it does not cover “political spam” used by candidates, which is restricted under Article 33(14) of Resolution No. 25 of 2023 for FNC elections.

Article 1 of the resolution narrowly defines a “consumer” as an individual, conflicting with Federal Law No. 15 of 2020, which includes both natural and legal persons. This limitation is problematic as legal persons also receive marketing calls.

The UAE’s DNCR process guides individuals on registering and unregistering numbers and filing complaints about unwanted calls but lacks guidance on complaints regarding marketing messages through social media. Additionally, marketing phone calls are allowed between 9:00 AM and 6:00 PM without distinguishing between working days and holidays, unlike jurisdictions, which clearly specifies permissible days and times for marketing calls.

Eventually, the resolution No. 57 of 2024, which deals with violations and administrative penalties for actions against the rules of Resolution No. 56 of 2024, mentions strict administrative penalties. It also gives the Central Bank of the UAE the authority to create a list of violations and penalties for companies and individuals who break the rules, after getting approval from the Cabinet.