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## ***Decision No. 32 of 2026: Changes to the Competition Protection Agency's Merger Control Thresholds***

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On 29 March 2026, the Competition Protection Agency (the CPA) issued Board Decision No. 32 of 2026 (the **Amendment**), introducing revised aggregate and individual thresholds for pre-merger filing in relation to economic concentrations. The Amendment repeals the previous 2021 threshold decision and applies from the date of its publication in the Official Gazette.

This development reflects a material increase in filing thresholds and signals a shift toward a more targeted and impact-driven merger control regime in Kuwait.

### ***Revised Economic Concentration Thresholds***

Under the new Amendment, a transaction will require prior CPA approval where any of the following thresholds are met, based on the audited financial statements for the financial year preceding completion:

- **Individual Sales Threshold:** Where the annual sales in Kuwait of any party to the concentration exceed KWD 1,500,000.
- **Combined Sales Threshold:** Where the combined annual sales in Kuwait of the parties exceed KWD 3,000,000, provided that the target company or business being acquired generates at least KWD 1,500,000 in sales in Kuwait.
- **Asset Threshold:** Where the value of the registered assets of the parties in Kuwait exceeds KWD 7,500,000.

This Amendment provides additional clarity on how these thresholds should be assessed. In particular, “*sales in Kuwait*” captures revenues generated within the Kuwaiti market, whether achieved directly or through branches, subsidiaries, or controlled entities. Similarly, “*assets in Kuwait*” refers to assets that are registered, owned, or utilised in connection with economic activity in Kuwait, as reflected in the relevant audited financial statements.

### ***Practical Impact***

The revised thresholds represent a clear upward adjustment from the previous regime and indicate a shift in the CPA's approach toward a more focused and efficient merger control framework. In practice, the increase is expected to reduce the volume of filings, while allowing the CPA to focus its oversight on transactions of greater economic significance.

# CLIENT ALERT

This is likely to facilitate deal activity by reducing regulatory burden, while allowing the CPA to focus more closely on transactions that may result in market concentration or the creation of dominant positions, particularly in already concentrated sectors.

## ***Effective Date?***

The Amendment became effective upon its publication in the Official Gazette on the 5<sup>th</sup> of April 2026.

## ***ICB Assistance***

At ICB, we leverage local expertise and global experience to support clients in navigating regulatory and compliance matters. Our team is available to provide tailored advice on this Amendment and its implications, as well as on merger control and competition law more broadly.

## ***Contact Information***

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