

Electricity regulation in the United Arab Emirates: overview

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OVERVIEW

Electricity market

1. What is the role of the electricity market in your jurisdiction?

Overview

The energy sector plays an important role in shaping the UAE's internal and external strategies and policies. Since the discovery of oil and gas more than half a century ago, the UAE has become a central player in the global hydrocarbon energy market, providing a reliable and stable supply of energy.

Recently, the UAE was labelled as the fastest growing electricity market globally. The UAE's latest solar photovoltaic project attracted worldwide attention for its low production costs, which will be the lowest price in the world to date. This initiative was backed due to UAE's stable political and financial system. In 2013, the energy sector accounted for about 25% of the country's gross domestic product, making the export and refinery of hydrocarbon products (such as petroleum, crude oil and natural gas) the backbone of the UAE economy. This revenue continues to contribute to the UAE's rapid economic and social development, which started in the 1960s and continued at a speed and to an extent that has impressed the international community. The United Nations Human Development Index ranks the UAE in the very high category.

Recent trends

According to the latest report issued by the Dubai Carbon Centre of Excellence and the United Nations, power generation in the UAE will increase by more than 1.5 gigawatts by 2017, which is sufficient to power around 150,000 homes in the region. The report is based on major energy projects undertaken in the UAE, which are essentially focusing on energy diversification and government policy. The UAE has planned to increase its mix of energy sources (including natural gas, solar power and nuclear power). The energy demand grew by 37% nationwide between 2008 and 2012. Consequently, Abu Dhabi increased its power generation capacity by 43.5%, while Dubai increased its capacity by 44.5%. The UAE's energy demand is growing by about 9% per year.

Under Dubai's Integrated Energy Strategy 2030, the emirate plans to reduce energy imports and climate warming carbon dioxide emissions by 30% by 2030, using its own solar power and nuclear power imported from Abu Dhabi, in order to reduce reliance on gas. Dubai unveiled plans for a 1,000 megawatts solar energy park to diversify its energy mix and reduce dependency on oil and gas. The solar power project will be implemented by the Supreme Council of Energy in Dubai, and managed and operated by the Dubai Electricity and Water authority.

The Emirates Nuclear Energy Corp (ENEC) is playing an instrumental role and will start operating the country's first nuclear plant in 2017. ENEC has signed contracts for obtaining uranium, converting it and enriching the fuel for use in its plant's nuclear reactors. The plant is located in Abu Dhabi and has been named Barakh Nuclear Plant.

Regulatory structure

2. What is the regulatory framework for the electricity sector?

Regulatory framework

The UAE power and water sectors are heavily influenced by the structure of the government and the significant powers afforded to the individual emirates under the UAE Constitution of 1971 (UAE Constitution).

The powers of the federal and emirate governments are set out in the UAE Constitution. The federal government has exclusive and executive jurisdiction over electricity services (*Article 120, UAE Constitution*). However, in practice, the emirates formulate and implement their own electricity policies, and operate independently of each other. Although the Ministry of Energy is the federal entity overseeing the electricity sector, a legislative gap remains. For example, there is no federal law that regulates the collaborative energy policies of the country. Under the UAE Constitution, individual emirates have complete autonomy in the management and regulation of energy and resources. Additionally, there is no federal law governing renewable energies, and the UAE has yet to enact specific legislation to regulate this relatively new market.

In Abu Dhabi, the main legislation governing the electricity sector is the Law No. 2 of 1998 concerning the regulation of water and electricity sector, as amended by Law No. 19 of 2007 and Law No. 12 of 2009 (Abu Dhabi Electricity Law).

In Dubai, the primary laws regulating the electricity sector are the:

- Dubai Electricity Law.
- Dubai Electricity and Water Authority (DEWA) Law.
- Dubai Office Resolution.

Regulatory authorities

In Abu Dhabi, the exclusive electricity regulator is the Regulation and Supervision Bureau and the main electricity company is the Abu Dhabi Water and Electricity Authority (ADWEA), which are both established under Abu Dhabi Electricity Law. The ADWEA is responsible for the generation, transportation and distribution of water and electricity within Abu Dhabi.

In Dubai, the main energy regulator is the Dubai Supreme Council of Energy (DSCE), which was established under Law No. 19 of 2009. The Electricity and Water Sector Regulation and Control Office is the specialist electricity regulatory authority. Member organisations of the DSCE include the:

- DEWA.
- Dubai Aluminium Company Ltd.
- Emirates National Oil Company.
- Dubai Supply Authority.
- Dubai Petroleum Corp.
- Dubai Nuclear Energy Committee.
- Dubai Municipality.

The DEWA and the Sharjah Electricity and Water Authority are responsible for the generation, transportation and distribution of water and electricity within Dubai and Sharjah, respectively.

The emirates of Ajman, Ras Al Khaimah, Umm Al Quwain, and Fujairah are served, for the most part, by the Federal Electricity and Water Authority.

The UAE Constitution allows the governments of each emirate to have a separate ministerial office for the regulation of health, safety and environmental matters.

In Abu Dhabi, the Executive Council of Abu Dhabi approved the Abu Dhabi Emirate Environment, Health and Safety Policy in 2006. This policy aims to achieve excellence in the management and protection of the environment, health and safety, through partnership between all governments and the private sector, in order to ensure that activities within Abu Dhabi are undertaken in a responsible, safe and sustainable manner. Similarly, in Dubai, the Dubai Municipality oversees safety, environment and health regulations. Any business that does not comply with these regulations are subject to fines or other penalties.

See box, *The regulatory authorities*.

ELECTRICITY COMPANIES

Main companies

3. What are the main companies involved in electricity generation, transmission, distribution and supply?

The main entities responsible for the generation, transmission and distribution of electricity in the UAE are the:

- Three water and power authorities owned by each of the individual emirates of Dubai, Abu Dhabi and Sharjah (see below).
- Federal Electricity and Water Authority (FEWA), which operates in the northern emirates.

These state-owned entities are the exclusive purchasers and distributors of electricity in their respective areas of operations. While the private sector can participate in the generation of electricity, electricity transmission and distribution is exclusively carried out by state-owned entities.

Generation

Abu Dhabi. The Abu Dhabi Water and Electricity Authority (ADWEA) is the single buyer of all water and electricity from production plants that connect to the sector's transmission grid, using long-term power and water purchase agreements. The cost of purchasing power, water and gas, plus ADWEA's operational costs, form the basis of a bulk supply tariff (BST). The BST is the wholesale power and water tariff for the sector, and must be

approved by the Regulation and Supervision Bureau each year before publication.

Dubai. The Dubai Electricity and Water Authority (DEWA) is the sole purchaser of electricity in Dubai, and presently owns all the generation, transmission and distribution capacity of the emirate. The DEWA operates a network of overhead lines that are connected to a distribution system of lower voltage substations and distribution lines.

Northern emirates. The FEWA is responsible for the generation and distribution of electricity in the northern emirates of Ajman, Ras Al Khaimah, Fujairah and Umm-al-Quwain. The FEWA is governed by a board of directors whose members hold office for a term of three years. The FEWA can establish private power generation plants in the northern emirates (*FEWA Law*). A number of these projects have been developed or are currently under development in these emirates. Additionally, the FEWA:

- Acts as a single point of sale for all power generated in the northern emirates.
- Owns and operates all the electricity transmission and distribution networks within the northern emirates.

Transmission

Abu Dhabi. The transmission and despatch of water and electricity is carried out by the Abu Dhabi Transmission and Despatch Company (TRANSCO). Transmission grids are the backbone of any utility supply chain (such as gas, electricity and water). They form the strategic link between the production of power and water and the provision of these vital resources to consumers via local distribution networks. TRANSCO operates a load despatch centre in the capital and is responsible for ensuring that producers have sufficient "real-time" generation and water capacity available to meet continuously varying customer demands.

The ADWEA established a long-term programme for the privatisation of the electricity sector. To date, a number of independent water and power producers (IWPPs) have been established under a "build-own-operate" model, in accordance with joint venture arrangements between the ADWEA and various power companies. Under long-term arrangements with the ADWEA, IWPPs are committed to sell their production to the ADWEA. The major IWPPs include the:

- Al Mirfa Power Company.
- Arabian Power Company.
- Emirates CMS Power Company.
- Fujeriah Asia Power Company.
- Ruwais Power Company.
- Shama Power Company PJSC.
- Shuweihat Asia Power Company PJSC.

Dubai. The DEWA is responsible for electricity transmission in Dubai.

Northern emirates. The FEWA is responsible for electricity transmission in the northern emirates.

Distribution

Abu Dhabi. Distribution is the link between a transmission company and final users (customers). The two following companies are currently responsible for the distribution and supply of power and water in Abu Dhabi:

- Abu Dhabi Distribution Company (ADDC).
- Al Ain Distribution Company (AADC).

As distribution and supply are two distinct activities, the ADDC and AADC are licensed to carry out, and account for, both activities separately.

Dubai. The DEWA is responsible for the distribution of electricity in Dubai.

Northern emirates. The FEWA is responsible for the distribution of electricity in the northern emirates.

Supply

Abu Dhabi. See above, *Distribution*.

Dubai. The DEWA is responsible for the supply of electricity in Dubai.

Northern emirates. The FEWA is responsible for the supply of electricity in the northern emirates.

Unbundling requirements

In the UAE, services relating to electricity generation, transmission, distribution and supply are controlled by state-owned entities, which enjoy a monopoly in their respective areas of operation.

Foreign ownership

4. Are there any restrictions concerning the foreign ownership of electricity companies or assets?

Under the UAE Commercial Companies Law (*Federal Law No. 2 of 2015*), foreign ownership of any onshore company is restricted to 49% (that is, 51% of an onshore company must be owned by an Emirati national). All energy companies established in the UAE must be majority owned by nationals.

While companies in the UAE free zones can be 100% owned by foreign nationals, these companies are restricted to doing business in the mainland and cannot supply the mainland.

The electricity laws do not specifically impose any restrictions on foreign ownership. However, as most companies are either wholly or majority owned by the Federal Government or the individual emirates Governments, foreign participation is generally not possible. In Abu Dhabi, a programme of privatisation of the electricity sector is implemented through independent water and power producers (see *Question 3, Transmission: Abu Dhabi*).

Import of electricity

5. To what extent is electricity imported?

The UAE does not currently import electricity.

However, the UAE imports about:

- Two billion cubic feet per day of gas from Qatar through the Dolphin pipeline, the largest cross-border gas pipeline in the region.
- Three million cubic tonnes of liquefied natural gas (LNG) per year through the LNG terminal in Dubai.

ELECTRICITY GENERATION AND RENEWABLE ENERGY

Sources of electricity generation

6. What are the main sources of electricity generation?

Natural gas is one of the main sources of electricity generation in the UAE.

Contrary to popular belief, the source of energy that fuels UAE's rapid economic development stems from natural gas rather than oil. Gas accounts for over 90% of electricity generation. Although UAE's natural gas reserves have been estimated as the fifth largest in the world by the US Energy Information Administration, the UAE has been importing natural gas since 2007 (see *Question 5*).

All the responsible authorities in each emirate continue to use natural gas as the main source of electricity generation, but are looking for new underground storage options to ensure supply during peak summer demands. Additionally, Dubai is studying plans to start using:

- Clean coal and solar power by 2020.
- Nuclear plants by 2030.

These sources will make up about 30% of Dubai's electricity generation capacity by 2030, with gas representing the remaining 70%. Dubai is also seeking to implement efficiency measures that will cut 30% of the overall electricity demand by 2030.

A key feature of the UAE electricity market is its interconnection with water production, which for the most part occurs at combined-cycle, cogeneration thermal plants. Water cogeneration has an impact on the efficiency of power plants for electricity generation. This is especially true in the winter due to the reduced demand for electricity while water demand remains the same, causing a drop in the power-to-water ratio to a much lower level than that required for the optimal efficiency of power plants' operations.

Fossil fuels

Natural gas accounts for over 90% of electricity generation in the UAE.

Nuclear fission

See *Question 9*.

Renewable energy

Solar power is currently viewed as the most attractive renewable technology for the UAE, as:

- The country has abundant sunshine.
- Solar technology is mature, with project implementation and further technology developments bringing down costs to such an extent that solar power can compete with fossil fuels.

The most important factor for the use of renewable energy in the UAE is the power of government agencies to take holistic, comparative views of energy costs, and to act on these through regulation and/or tendering. The governance model in Dubai and the creation of a UAE federal energy policy taskforce are key steps towards the use of renewable energy in the UAE.

7. Are there any government policies, targets or incentives in place to encourage the use of renewable or low carbon energy?

There is currently no federal energy policy. Under the UAE Constitution, individual emirates have autonomy in the management and regulation of energy and resources. To date, there are only a few federal energy regulations, for example, regulations of the Emirates Authority for Standardization and Metrology regarding the phase-out of incandescent light bulbs and inefficient air conditioning units. The pricing of gasoline is also regulated and determined at the federal level. However, there is growing recognition of the need for co-ordination, consistency and co-investment among the emirates. The UAE Ministry of Energy is leading the country's first effort to develop a national strategy, which is expected to cover issues such as:

- Deployment of different supply technologies.
- Demand-side interventions.
- Energy system standards.

Government policies/incentives

Emirate-level policies vary throughout the UAE, and are not consistently codified or developed.

Abu Dhabi and Dubai are arguably the most advanced emirates in that field, and have introduced independent regulators (that is, the Regulatory and Supervisory Bureau in Dubai and the Regulation and Supervision Bureau in Abu Dhabi) for their power and water markets. Dubai notably established the Dubai Supreme Council of Energy (DSCE) in 2011, which is the most centralised and formalised energy decision-making body in the country. It unites Dubai's largest energy producers and consumers to collectively determine policy and investment across all energy sectors. Abu Dhabi is considering a similar model, with the Abu Dhabi Energy Authority currently under development. To date, only the Abu Dhabi hydrocarbon sector has a unified governance structure under the Supreme Petroleum Council, which was established in 1988.

The UAE is expected to produce 24% of its electricity from clean energy sources by 2021. The UAE will account for the largest share of renewable energy projects in the region in the next few years.

The DSCE launched its Dubai Integrated Energy Strategy for 2030, with the aim of reducing energy demand by 30% by 2030 and diversifying sources of energy, so that by 2030 these will be made of:

- Natural gas: 71%.
- Nuclear energy: 12%.
- Clean coal: 12%.
- Solar energy: 5%.

While there has been no public announcement to this effect, the author anticipates that governments will look to finance their renewable energy plans through feed-in tariffs.

Renewable energy targets

In the UAE, development plans for using renewable energy appear to be well advanced. Abu Dhabi already has a fully fledged and operational ten megawatts (MW) photovoltaic (PV) plant in Masdar City, and a zero-carbon city is currently under construction. Abu Dhabi is currently commissioning Shams 1, a 100MW concentrated solar power plant that uses parabolic troughs has been in operation since 2012. Noor 1, a 100MW PV array is also under construction. In Dubai, an announcement with Sheikh Mohammed's blessing was made in early 2012 to develop a 1,000MW solar park by 2030, with a 10MW PV plant actively that was tendered and completed in 2013.

See table, *Renewable energy sources*.

8. What are the main obstacles to the development of renewable energy?

The UAE has an electricity production capacity of 18.747 gigawatts, which is strained by a lack of spare capacity at peak seasonal times. However, past service interruptions were the result of a lack of natural gas feedstock, rather than production capacity. This need for an expanded grid and greater stability in generation has prompted an increased use of natural gas, as well as the development of nuclear and renewable energy to diversify sources of electricity generation.

UAE's strategic vision, both at the federal level (Vision 2021) and local level (in Abu Dhabi in particular, with the Abu Dhabi Strategy 2030), constitutes an important step that has contributed to the steady growth of investment in the field of renewable energy.

The exploitation of lower-cost renewable energy faces the following five key challenges in the UAE:

- Awareness of comparative energy costs among stakeholders.
- Concerns about the need to provide baseload power.
- Concerns about desalination, which is traditionally linked to power generation.
- Subsidised fossil fuel pricing, which slows down consumer-driven distributed generation.
- Decentralised energy decision-making structures, which may not allow for the making of economically optimal choices for an emirate or the country.

However, there are signs that these challenges could be substantially mitigated through a combination of cost-effective technology and policy, especially through the recent creation of several energy authorities and strategy processes that can take a holistic view of investment and policy choices.

9. Are there any plans to build new nuclear power stations?

The UAE started to take serious steps towards the promotion of diversity in the energy sector, through the adoption of the UAE nuclear programme for the production of electricity at the Barakah nuclear power plant in the western region of Abu Dhabi.

Whether nuclear energy can be considered as renewable energy remains a topic of constant debate worldwide. The UAE treats nuclear energy as an alternative source of energy, but not as a renewable source of energy. Abu Dhabi has been pursuing a nuclear energy programme that has been praised by energy experts worldwide for applying the highest safety standards and best international practices. The UAE is pursuing a peaceful, civilian nuclear energy programme that upholds the highest standards of safety, security, non-proliferation and operational transparency. Government officials, non-proliferation advocates and energy experts worldwide have called the UAE's approach a "gold standard" for countries interested in developing nuclear energy.

Authorisation and operating requirements

10. What are the authorisation requirements to construct electricity generation plants?

Any company wishing to undertake regulated activities in the electricity sector in the UAE must obtain a licence from the regulatory authority of the relevant emirate. Regulated activities include:

- Generation.
- Transmission.
- Distribution.
- Supply.
- All electricity-related services.

11. Are there any requirements to ensure new power stations are ready for carbon capture and storage (CCS) technology, or requiring a plant to retrofit CCS technology once this is ready?

There are no requirements to ensure that new power stations are ready for CCS technology.

12. What are the authorisation and main ongoing requirements to operate electricity generation plants?

See Question 10.

Each emirate has its own safety and environmental regulations and policies for the operation of electricity generation plants. These apply to the relevant authorities to promote the economy and the environment for sustainable development in the UAE. Additionally, the UAE Labour Law contains a clear set of safety regulations for each industry. For example, the Electricity Wiring Regulations 2007 (in Abu Dhabi) implemented amendments (effective from 1 March 2014) and regulates the functioning of Abu Dhabi Distribution Company.

The Dubai Electricity and Water Authority is regulated by the Standards for Distributed Renewable Resources Generators and the Regulations for Electrical Installations 1997, which contain safety and environmental guidelines regarding the transmission of Electricity in Dubai.

13. What requirements are there concerning connection of generation to the transmission grid?

The Emirates National Grid (ENG) was launched in 2000 to enable power sharing between the seven emirates. The ENG is owned by each emirate as follows:

- Abu Dhabi: 40%.
- Dubai: 30%.
- Sharjah: 20%.
- Northern emirates: 10%.

Due to its larger production capacity and extensive distribution network, the Abu Dhabi Water and Electricity Authority has been assisting the other emirates in meeting their power needs.

ELECTRICITY TRANSMISSION
Authorisation and operating requirements

14. What are the authorisation requirements to construct electricity transmission networks?

In the UAE, electricity transmission and distribution are controlled by state-owned entities, which enjoy a monopoly in their particular areas of operation.

15. What are the authorisation and main ongoing requirements to operate electricity transmission networks?

In the UAE, electricity transmission and distribution services are controlled by state-owned power bodies, which have a monopoly in their particular areas of operation. Therefore, the operation of electricity transmission networks by private companies is restricted.

The relevant state-owned entities are subject to several Environment Codes when operating electricity transmission networks.

In Abu Dhabi, the Abu Dhabi Transmission and Despatch Company (TRANSCO) adopted the concept of corporate social responsibility. It played a positive and effective role in the community and mitigated the negative impacts resulting from the conditions of operation of electricity transmission networks, especially in its business of water and electricity distribution. Following reviews of the electricity network companies' health and safety management and operational systems and processes in 2011, the Regulation and Supervision Bureau worked with these companies to develop and implement agreed action plans to achieve significant improvements in health and safety performance. The Bureau also reviewed all incident reports and, where necessary, worked with the network companies to improve future performance. Work was also carried out to improve the transparency and accuracy of reporting and ensure that the requirements under the Incident Reporting Regulations 2008 are well understood. Additionally, the Regulation and Supervision Bureau provided support to the Abu Dhabi Environment, Health and Safety Centre in reviewing and developing codes of practice.

Transmission charges

16. How are the charges and conditions for the transmission of electricity regulated?

Not applicable. The transmission market is a state monopoly.

ELECTRICITY DISTRIBUTION
Authorisation and operating requirements

17. What are the authorisation requirements to construct electricity distribution systems?

The electrical network and its components are owned and operated by the Water and Electricity Authorities of Abu Dhabi, Dubai and Sharjah, with the main purpose of delivering electricity to consumers from the power transmission system. A system of voltage level of 33 kilovolts or below is considered a distribution system. The components of the power distribution system include all associated equipment including:

- Interconnecting lines.
- Electrical substations.
- Pole-mounted transformers.
- Analogue electrical elements (such as resistors, inductors, capacitors, diodes, switches and transistors).

18. What are the authorisation and the main ongoing requirements to operate electricity distribution systems?

The authorisation and main ongoing requirements to operate electricity distribution systems are regulated by the relevant authorities in each emirate.

Distribution charges

19. How are the charges and conditions for the distribution of electricity regulated?

The rates charged by stated-owned power companies are subject to government control, which is exercised through the Regulatory and Supervisory Bureau of each emirate. Each Bureau sets the power companies' revenue target, which is the basis for setting prices. The remainder of the revenue is paid to the distribution companies through governmental subsidies.

ELECTRICITY SUPPLY

Authorisation and operating requirements

20. What are the authorisation and the main ongoing requirements to supply electricity to end consumers?

The state authorities in each emirate are directly responsible for the supply of electricity to end users. The supply market is subject to a state monopoly, without any interference of private companies.

Electricity metering systems include the:

- Main electricity metering system, which measures the net energy of the point of connection (POC).
- RRGP electricity metering system, which measures the energy produced by the local generator(s) connected to the POC.

The equipment of both systems must keep the same levels of accuracy and functionality at all relevant times. Both systems must measure the quantities defined in the standard set by the authority of the relevant emirate.

Trading between generators and suppliers

21. How is electricity trading (between generators and suppliers) regulated?

Not applicable. The state regulatory authorities in each emirate control the generation and supply of electricity. In the UAE, private companies do not supply electricity directly to end users. See *Question 3*.

Electricity price and conditions of sale

22. How is the price for electricity and conditions of sale regulated at the consumer and wholesale level?

Consumer

Electricity tariffs vary in each emirate, and are different for UAE nationals and foreign nationals.

In Abu Dhabi, tariffs have been raised to AED21 fils per kilowatt-hour (kWh) across all sectors.

In Dubai and the northern emirates, electricity prices are progressive (that is, higher rates for higher consumption levels). In Dubai, the lowest consumption category (less than 2,000kWh per month) for residential and commercial users is AED23 fils per kWh and the highest (above 6,000kWh per month) is AED38 fils per kWh.

Wholesale

Not applicable. The state authorities in each emirate control the generation, transmission, distribution and supply of electricity.

TAX ISSUES

23. What are the main tax issues arising on electricity generation, distribution, transmission and supply?

There are currently no tax issues arising on electricity generation, distribution, transmission and supply in the UAE.

REFORM

24. What reform proposals are there for the regulation of the electricity sector?

The UAE generates most of its electricity (110 billion kilowatt-hours in 2013) using natural gas-fired generation. A plan to integrate the seven emirates' natural gas distribution networks should help alleviate some of the peak-demand shortfalls experienced in the past. Electricity demand in the UAE reached 105 billion kilowatt-hours in 2013, placing the UAE among the highest electricity consumers per capita in the world. The UAE has taken several initiatives and is developing major renewable energy projects in the region to meet its energy demand and overcome future obstacles relating to energy shortage (see *Question 7*).

THE REGULATORY AUTHORITIES

Abu Dhabi Water and Electricity Authority (ADWEA)

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Main responsibilities. The ADWEA is responsible for electricity transmission, distribution and regulation in Abu Dhabi.

Dubai Electricity and Water Authority (DEWA)

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W <https://new.dewa.gov.ae/en/about-dewa/about-us>

Main responsibilities. The DEWA is responsible for electricity generation, transmission, distribution and regulation in Dubai.

Sharjah Electricity and Water Authority (SEWA)

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Main responsibilities. The SEWA is responsible for electricity transmission, distribution and regulation in Sharjah.

Federal Electricity and Water Authority (FEWA)

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W www.fewa.gov.ae/ar/Pages/default.aspx

Main responsibilities. The FEWA is responsible for electricity transmission, distribution and regulation in the emirates of Ras Al Khaimah, Umm Al Quwain, Ajman and Fujairah.

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