COMPETITION LAW QUARTERLY

Q2 2026

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Competition Law Quarterly

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Welcome

The second quarter of 2026 has seen significant competition law developments across the Asia-Pacific and Middle East regions, with the continued expansion of digital platform enforcement, active merger control by regional authorities, escalating cartel sanctions, important consumer protection cases and legislative reforms designed to strengthen regulatory tools.

Key developments covered in this edition include:

Digital platform regulation and enforcement

Regulators across the region are moving from policy development to active enforcement against digital platforms. In **Australia** the Government has released draft legislation for the proposed News Bargaining Incentive that will require significant digital platforms to enter commercial deals with news publishers or face a levy of 2.25% of their gross Australian revenue. In **Hong Kong**, the HKCC has accepted binding commitments from Keeta, Hong Kong's largest delivery platform, addressing exclusivity incentives, switching restrictions and price parity clauses. In **Indonesia**, the KPPU has escalated its probe into TikTok and Tokopedia over alleged dominance across the e-commerce value chain. In **China**, a private antitrust claim against Apple concerning sideloading restrictions and commission fees has proceeded to hearing in the Shanghai IP Court. SAMR is also nearing conclusion of its abuse of dominance investigation into Trip.com, with a potential fine in the range of CNY 3 – 4 billion. **Thailand's** new enforceable guidelines on anti-competitive conduct by e-commerce platforms have come into force. **Vietnam** is consulting on draft legislation modelled on the EU's Digital Markets Act that would impose ex-ante obligations on digital platform operators.

Merger control developments

Merger control activity has been significant. In **Australia**, with the ACCC conditionally approving the Ampol/EG acquisition — the first transaction cleared following a Phase 2 review under the new mandatory notification regime. In **China**, the SAMR conditionally approved Tencent's acquisition of online audio platform Ximalaya, subject to strict behavioural remedies. **Singapore's** CCS conditionally approved the SP Mobility/ChargEco deal in the growing EV charging market. **Taiwan's** TFTC approved the USD 22 billion Skyworks/Qorvo semiconductor merger. In the **UAE**, the long-awaited Executive Regulations to the Competition Law have been adopted, delivering detailed procedural frameworks for merger control, investigations and exemptions. **Vietnam** has overhauled its merger control regime with new notification thresholds, enhanced sanctions for gun-jumping and expanded enforcement powers for the VCC. In the **Philippines**, the PCC has published a draft circular proposing exemptions from compulsory merger notification for certain public-private partnership projects.

Cartel enforcement

Enforcement agencies across the region continue to prioritise cartel conduct as legislative reforms are also providing regulators with new and impactful powers. In **Hong Kong**, the HKCC is preparing proposals to criminalise bid-rigging, with a proposed maximum penalty of seven years' imprisonment, following alleged tender malpractice linked to a fatal building fire. In the **UAE**, the Ministry of Economy and Tourism has referred a cartel case involving price-fixing conduct in the poultry market to public prosecution for the first time. In **Malaysia**, the MyCC has issued a proposed decision against six companies for alleged bid-rigging of a food supply tender.

Consumer protection and market conduct

Authorities are increasingly achieving enforcement outcomes in relation to consumer-facing market conduct. In **Australia**, the Federal Court found that Coles, one of the largest supermarkets, engaged in misleading or deceptive conduct through its "was/now" pricing programme, reinforcing that promotional pricing practices remain a priority enforcement area. The Australian Parliament also passed legislation which introduces a general prohibition on unfair trading practices and creates restrictions on subscription contracts and drip pricing. In **Singapore**, the CCS has taken enforcement action against online retailers for "dark patterns" including false urgency, misleading sales representations and false scarcity, securing formal undertakings from three companies. In the **UAE**, enhanced monitoring of essential goods pricing has resulted in approximately 15,480 inspections and the detection of 312 violations in the first quarter of 2026 alone.

Australia

Federal Court finds supermarket ‘was/now’ pricing misled consumers

On 14 May 2026, the Federal Court of Australia found that Coles Supermarkets Australia Pty Ltd (**Coles**) engaged in misleading or deceptive conduct by promoting products under a “was/now” pricing program in circumstances where the “was” price did not reflect the product’s ordinary selling price. Coles is Australia’s second largest supermarket chain, with over 840 supermarkets nationwide.

The Australian Competition and Consumer Commission (**ACCC**) commenced proceedings against Coles in September 2024, alleging that between February 2022 and May 2023, Coles misled consumers by temporarily increasing the retail prices of at least 245 products before placing them on “Down Down” promotions. The ACCC alleged that this promotion had the effect of representing to consumers that the relevant product’s “Down Down” price was a genuine reduction to, or discount from, the product’s previous regular price or “was” price. The ACCC’s case was that Coles’ representations were misleading because the “was” price was only in effect for a short period and did not represent the product’s true regular selling price.

The trial considered 12 agreed sample products, involving 14 “Down Down” tickets in total. The Federal Court held that the “Down Down” tickets represented to an ordinary consumer that the price reduction was a genuine discount from the product’s previous regular price. The key issue was whether the “was” price was a price at which the product had been ordinarily offered for sale for a reasonable period, such that the “Down Down” discount could be considered genuine. The Federal Court considered the following factors:

- the commercial circumstances in which the product price increased;
- the level at which the “was” price was set;
- the period the product was sold at the “was” price; and
- the volume of products sold at that price.

In assessing these factors, the Federal Court held that Coles’ price increases were commercially justifiable and not artificially high. However, the determinative factor was the period at which the products were sold at the “was” price – which was typically four weeks or less. The Federal Court found that 13 of the 14 “Down Down” tickets were misleading because the relevant products were not sold at the “was” price for a reasonable period and, consequently, the discount represented on the ticket was not genuine. While the Federal Court noted that maintaining the higher price for 12 weeks prior to the promotion would have prevented the breach, it emphasised that 12 weeks is not a universal rule. Instead, the necessary timeframe for price stability will vary depending on the products sold. A hearing as to the appropriate penalty to be imposed and Coles’ liability in relation to the remainder of the products has not yet been heard.

The proceedings are one of a number of “was/now” matters that the ACCC has pursued in recent years. Most recently, following an ACCC investigation into misleading pricing claims, Australian electronics retailer JB Hi-Fi Group Pty Ltd refunded approximately 200 consumers. This trend demonstrates that the ACCC is actively scrutinising promotional pricing practices across the retail sector. The Federal Court’s emphasis that there is no fixed “safe harbour” period means that compliance assessments must be conducted on a product-by-product basis, having regard to each product’s sales history, pricing cycle, and commercial context.

Australia releases draft proposed News Bargaining Incentive legislation

On 28 April 2026, the Australian Government released an exposure draft of the proposed *News Bargaining Incentive* (**NBI**). The NBI is designed to supplement the *News Media Bargaining Code* (**NMBC**) and is targeted at large digital platforms operating significant social media or search services, regardless of whether they currently carry news.

Under the proposed NBI framework, significant social media or search services (as defined by the *News Media Bargaining (Administration) Bill 2026* (**Bill**)) who elect not to enter into commercial deals with news publishers will be required to pay a levy of 2.25% of their Australian revenue, with any levies collected to be distributed to eligible news organisations. Digital platforms captured can reduce, or completely offset, the levy by entering into commercial agreements with Australian news publishers, with higher offsets available for deals made with smaller publishers.

A digital platform will be captured by the NBI if, in a given financial year, it:

1. has a revenue attributable to Australia which exceeds AUD 250 million (c. USD 175.2 million); and
2. provides a significant social media or internet search service in Australia (defined as at least 5 million social media users or a 10 million user search base in Australia).

Consultation on the exposure draft legislation was open from 28 April to 18 May 2026. The next expected step is for the Department of Treasury to finalise the Bill in light of the consultation undertaken before introducing it in Parliament, though no firm-committed introduction date has been confirmed.

Given that the proposed NBI framework may evolve from the exposure draft, digital platforms and news organisations should continue to closely monitor updates in respect of the introduction of the Bill into Parliament.

ACCC approves Ampol Retail’s acquisition of EG Group Australia and EG AsiaPac Holdings

On 3 June 2026, the Australian Competition and Consumer Commission (**ACCC**) conditionally approved Ampol Retail Holding Pty Ltd’s (**Ampol**) acquisition of 100% of the share capital of EG Group Australia Pty Ltd and EG AsiaPac Holdings Limited (together, **EG**) subject to divestiture (the **Acquisition**). The Acquisition subsequently completed on 30 June 2026.

Both Ampol and EG supplied fuel and convenience products in Australia. Ampol owns and operates 584 retail fuel sites under the Ampol brand and a further 46 sites under the U-GO brand. EG was the largest independent fuel retailer, with 512 retail sites. Under the Acquisition, valued at AUD 1.1 billion (c. USD 771.0 million), EG’s retail sites would become owned and operated by Ampol.

The ACCC considered the likely competitive effects of the Acquisition in both local and metropolitan-wide markets for the retail supply of petrol and diesel, specifically in Adelaide, Brisbane, Canberra, Melbourne, Perth and Sydney.

The ACCC concluded that without divestiture, the Acquisition could have the effect of substantially lessening competition in 39 local markets as a result of horizontal unilateral effects, namely:

- the removal of a direct and significant competitor would remove competitive constraint, having regard to geographic proximity and local market conditions;
- the remaining competitors may not have been considered sufficiently close substitutes;
- increased concentration; and
- high barriers to entry.

To address the above, the ACCC accepted a section 87B undertaking, alongside other conditions, from Ampol to divest 41 retail fuel sites to address the competition issues identified in 39 local markets.

This Acquisition, notified to the ACCC in October 2025, is the first to be cleared after a Phase 2 review under Australia’s new mandatory notification merger regime. In total to reach a determination, the ACCC’s assessment took 234 calendar days or 147 business days.

Companies conducting business in Australia should be aware that the new regime is mandatory and requires parties to engage early and closely with the ACCC in respect of notifiable transactions, especially if such transactions are likely to require divestments before approval. Under the new regime, failing to notify the ACCC about a transaction that was required to be notified may lead to significant gun-jumping penalties and the transaction being considered void.

ACCC’s authorisation powers strengthened for crisis response

On 26 May 2026, the *Competition and Consumer Amendment (Responding to Exceptional Circumstances) Act 2026* (Cth) (the **Act**) received royal assent.

The Act amends the *Competition and Consumer Act 2010* (Cth) (**CCA**) to:

- establish a new ministerial power for the Treasurer to make an declaration when there are “exceptional circumstances” causing significant harm to the Australian economy or consumers, and when it is in the public interest to do so; and
- provide the Australian Competition and Consumer Commission (**ACCC**) with a power to grant streamlined class exemptions (section 95AC CCA) or streamlined authorisations (Part VII, Division 1A CCA) where a declaration is made.

The changes aim to address the challenges that businesses experience when responding to exceptional circumstances - for example, the conflict in the Middle East and the consequential disruption to global supply chains - by providing a parallel, lower-threshold pathway for the ACCC to exempt or authorise anticompetitive conduct that may otherwise breach competition law.

Neither “exceptional circumstances” nor “public interest” is defined in the Act, leaving the Treasurer with very broad discretion to trigger the regime and the ACCC’s new powers where either a section 95AE ministerial declaration or a Governor-General national emergency declaration under the *National Emergency Declaration Act 2020* (Cth) is made.

The Act also increased the maximum penalties for breaches of the *Oil Code of Conduct* (**Code**) which regulates the conduct of suppliers, distributors and retailers who sell, supply or buy declared petroleum products. The new maximum penalties for breaches of the Code are the greater of:

- AUD 10 million (c. USD 7.01 million);
- three times the value gained from breaching the Code; or

- 10% of the company's turnover in the year the contravention occurred or began to occur.

For persons other than corporations, increased penalties of up to AUD 500,000 (c. USD 350,000) for breaches of the Code may apply.

Businesses should be aware of the additional flexibility granted to the ACCC to respond rapidly and mitigate economic harm during exceptional circumstances.

Australia passes unfair trading practices prohibition

The Australian Parliament passed the *Competition and Consumer Amendment (Unfair Trading Practices) Act 2026* (Cth) (**Act**) on 2 July 2026 which amends the *Competition and Consumer Act 2010* (Cth) to introduce a general prohibition on unfair trading practices and creates restrictions on subscription contracts and drip pricing.

As reported in our Q1 2026 edition, the Act amends the Australian Consumer Law (**ACL**) to introduce the following requirements:

- **Unfair trading practices:** a general prohibition on unfair trading practices which prohibits conduct in instances where it manipulates consumers, or unreasonably distorts the environment in which the consumer makes a decision. The reference to a "consumer", in this context, refers to the acquisition of goods or services that are of a kind ordinarily acquired for personal, domestic or household use or consumption. The ban is intended to capture, among other things, the use of "dark patterns" in online sales, as well as conduct designed to create false urgency, and overly complex terms and conditions used to supply goods or services to consumers.
- **Drip pricing:** "drip pricing" occurs when a business advertises a misleadingly low headline price at the beginning of the purchasing process, but "drips" unavoidable fees and charges as the consumer moves through the checkout process. The amendments strengthen protections against drip pricing to ensure that information about any "transaction-based charges" (a compulsory charge that is not an amount payable for the goods or services themselves – for example, an administration fee) are displayed throughout the purchase process. Businesses must now prominently disclose transaction-based charges alongside base prices and state that these charges are "per transaction".
- **Subscription pricing:** the amendments introduce enhanced protections against unfair subscription practices, including requirements for improved information disclosure about subscriptions and simplified cancellation processes. In particular, businesses must ensure that the methods available to cancel a subscription contract are easy to find, straightforward and require that the subscribers only take steps that are reasonably necessary to end the contract.

The reforms take effect from 1 July 2027 and will attract maximum penalties of up to AUD 100 million (c. USD 70 million), three times the benefit obtained or 30% of the company's turnover per breach.

While the new unfair trading practices prohibition is not intended to capture legitimate, reasonable and generally accepted sales and marketing practices, there are no defences available, nor are there any bright lines or safe harbours for businesses to follow. This uncertainty will require careful consideration and close attention should be given to any ACCC guidance published prior to the reforms taking effect.

Businesses that rely on subscription models, tiered pricing, complex fee structures, or online sales platforms generally to make sales to consumers in Australia should review their marketing and sales practices ahead of the 1 July 2027 commencement date.

China

Apple faces Shanghai antitrust sideloading lawsuit

On 8 June 2026, the Shanghai Intellectual Property Court heard an antitrust claim by an individual complainant, Tian Ye, against Apple Inc. and Apple Computer Trading (Shanghai), its Chinese subsidiary (collectively **Apple**).

The complainant is an iPhone user and alleges that Apple abused a dominant position in China's iOS smart terminal application transaction services market by prohibiting sideloading and alternative payment methods, and charging application developers an additional 25% commission fee. Sideloading is the process of installing software onto a device directly from websites or third-party marketplaces instead of using the manufacturer's official app store.

In particular, the complainant:

- claimed the conduct amounted to exclusive dealing, the imposition of unreasonable terms and unfairly high pricing;
- alleged breaches of China's Anti-Monopoly Law by Apple and sought orders stopping the conduct; and
- claimed CNY 235.5 (c. USD 34.85) in compensation and CNY 100,000 (c. USD 14,800) in legal costs.

In response, Apple argued that the conduct did not result in any anti-competitive effects, that the market had been construed too narrowly by focusing only on the iOS system, and there were legitimate security reasons for the prohibition on sideloading and third-party payment. Apple also argued that the case lacked a competent complainant and respondent.

The case follows the matter of *Jin Xin v Apple* decided in December 2024, in which the same Court held that Apple has a dominant position in the Chinese market for iOS smart terminal app transaction platforms. That decision has been appealed to the Intellectual Property Tribunal of the Supreme People's Court of China and is still pending a final ruling.

The two matters highlight that digital platforms and tech companies are answerable not only to regulators but also to individual customers for alleged competition and consumer law infringements.

SAMR fines online travel agency Trip.com for abuse of dominance

On 25 July 2026, China's State Administration for Market Regulation (**SAMR**) concluded its abuse of dominance investigation into Trip.com Group Ltd (**Trip.com**), a Chinese online travel agency, by imposing total penalties of CNY 5.18 billion (c. USD 765 million).

The SAMR formally opened the investigation in January 2026 after conducting a dawn raid at Trip.com's Shanghai office on 13 January 2026, and announced the next day that it was investigating the company over suspected abuse of dominance. The SAMR found that Trip.com held a dominant position, with a market share of over 50%, in China's online hotel reservation platform services market, and had abused that dominance since 2020.

The SAMR considered that Trip.com abused its dominant position through the following conduct:

- Trip.com required "special-tier" hotels to deal exclusively with Trip.com including through use of incentives such as preferential traffic ranking, marketing coupons and other benefits to induce hotels with high transaction volumes and good service quality to accept "special-tier" status and then require them to list their entire room inventory on Trip.com and refrain from operating on competing platforms;
- Trip.com monitored compliance through manual checks and technical means, and where "special-tier" hotels were found to be operating on competing platforms, it issued warnings and imposed penalties including traffic restrictions and reduced transaction opportunities, which impacted the revenue of affected hotels;
- Trip.com required "gold-tier" and "unlabelled" hotels to offer their lowest price across all channels on Trip.com, and to ensure that price was at least CNY 20 (c. USD 3) or 5% lower than on competing platforms, and also required "unlabelled" hotels to ensure their Trip.com price was not higher than on any other competing platform; and
- Trip.com lowered non-compliant hotels' search ranking and exposure, progressively restricted their traffic and withdrew listing benefits.

The SAMR rejected Trip.com's arguments that the exclusivity was commercially reasonable, voluntarily adopted and that it benefited consumers. The SAMR determined that this conduct excluded and restricted market competition, undermined hotel operators' autonomy over their pricing and harmed consumers' overall interests.

The penalties imposed comprise a fine of CNY 3.52 billion (c. USD 520 million), which is equivalent to 7.5% of Trip.com's 2025 sales in China, and the confiscation of CNY 1.66 billion (c. USD 245 million) in illegal gains. Trip.com has also been ordered to refund CNY 122.78 million (c. USD 18 million) in fees to hotel operators. Trip.com has accepted the decision, committing to 19 rectification measures.

The penalty is in line with previous Chinese abuse of dominance cases. The SAMR fined Meituan, a Chinese food delivery platform, CNY 3.44 billion (c. USD 509.12 million) in 2021, and fined Alibaba Group Holding Limited, a Chinese ecommerce and technology company, CNY 18.228 billion (c. USD 2.70 billion) in 2021. Trip.com's CNY 5.18 billion penalty sits above the Meituan fine but well below the Alibaba fine.

This enforcement action follows a string of other high-profile investigations by SAMR against digital platforms, confirming that SAMR continues to actively regulate large technology companies within China.

SAMR conditionally clears Tencent/Ximalaya acquisition

On 12 May 2026, China's State Administration for Market Regulation (**SAMR**) conditionally approved the multinational technology conglomerate Tencent Holdings Ltd's (**Tencent**) proposed acquisition of Ximalaya Inc (**Ximalaya**), an online audio platform.

The SAMR found that the transaction may exclude or restrict competition in China's online audio platform and network music platform markets, but concluded that the remedies proposed by the parties would reduce the deal's adverse effects on market competition.

Tencent, Ximalaya and the merged entity must comply with the below conditions:

- not increase online audio platform service prices, reduce service levels, or impose unreasonable trading conditions without legitimate justification;
- not reduce the proportion of free content or free popular content without legitimate justification;
- not enter into exclusive licensing agreements with copyright holders on online audio platforms. Existing exclusive licensing arrangements must be terminated within a prescribed time limit;
- not conduct tie-in sales of online audio platforms or network music platforms to automotive manufacturers;
- not impede or restrict those manufacturers from procuring rival products without legitimate justification; and
- report compliance to SAMR on a semi-annual basis until the restrictions are terminated.

The parties may apply for release from the conditions five years after the decision takes effect.

SAMR cleared the deal subject to strict behavioural remedies aimed at preventing exclusivity and protecting competition in China's online audio and music markets. This illustrates the SAMR's willingness to consider appropriate conditions to manage the effects on competition of a proposed transaction, allowing it to proceed.

Hong Kong

HKCC proposes to criminalise bid-rigging

Hong Kong's Competition Commission (**HKCC**) is preparing proposals to criminalise bid-rigging, with the aim of submitting them to the government as early as September 2026. If approved, legislative amendments could be introduced before the end of 2026.

The proposal follows alleged tender malpractice in a HKD 336 million (c. USD 43 million) maintenance project at Wang Fuk Court in Tai Po. The project was ongoing when a fire in November 2025 killed 168 people and displaced 5,000 residents. At least two alleged bid-rigging syndicates have been linked to the tender process.

Bid-rigging is currently a civil violation under the Competition Ordinance, punishable only by fines. The HKCC is now considering a dual-track enforcement model that would retain civil enforcement while introducing criminal liability for serious bid-rigging conduct. The HKCC Chairman has indicated that discussions are underway with the Chief Executive and the Hong Kong Bar Association, which has endorsed the reform.

Potential reforms being considered include:

- introducing criminal sanctions for serious bid-rigging conduct;
- a maximum penalty of seven years' imprisonment for the criminal offence of bid-rigging; and
- developing more attractive leniency arrangements, including potential immunity from prosecution for whistleblowers.

Notably, key implementation issues remain unresolved. The HKCC currently lacks criminal prosecutorial powers, and the outgoing HKCC Chair has cautioned that rolling out criminal penalties risks discouraging would-be whistleblowers from applying for leniency. The criminal "net" may also need to be cast wider to capture other forms of anticompetitive conduct beyond "bid-rigging" as currently defined – such as information exchange and market-sharing.

Responding to the construction bid-rigging investigations, and pending legislative amendments, the HKCC has revised its model non-collusion clauses and non-collusive tendering certificate to require bidders on large-scale renovation tenders to sign a statutory declaration confirming they have not engaged in collusion. These revised documents were unveiled at the HKCC's first public general meeting. The revised documents make clear that bidders who sign them and then engage in collusive conduct could face prosecution for conspiracy to defraud, providing an interim route to criminal exposure even ahead of bid-rigging-specific legislation.

The reforms signal a step change in Hong Kong's competition enforcement. If implemented, Hong Kong would join jurisdictions such as the United States, United Kingdom, Australia and Japan in criminalising cartel conduct. Businesses tendering for contracts in Hong Kong should begin reviewing competition compliance programs now to ensure appropriate controls are in place.

HKCC accepts binding commitments from Keeta on restaurant exclusivity

On 17 June 2026, the Hong Kong Competition Commission (**HKCC**) accepted a commitment offered by Kangaroo Limited, trading as Keeta (**Keeta**), Hong Kong's largest online food delivery platform, under section 60 of the Competition Ordinance. Keeta is backed by Chinese e-commerce giant Meituan and entered the Hong Kong market in 2023.

The commitment addresses the HKCC's concerns that certain provisions in Keeta's agreements with partnering restaurants may have hindered entry and expansion by new or smaller platforms and softened competition in the online food delivery market, potentially contravening the First Conduct Rule. The HKCC identified three problematic practices: (i) exclusivity incentives offering lower commission rates for restaurants working exclusively with Keeta; (ii) switching restrictions or penalties for restaurants moving from exclusive to non-exclusive arrangements; and (iii) price parity clauses preventing restaurants from offering lower prices on their own channels or competing platforms.

The commitment marks the final step of a two-stage resolution process announced in November 2025. In the first stage, Keeta voluntarily amended the relevant contractual provisions, which took effect in early April 2026. The commitment makes these amendments legally binding and specifically enforceable by the HKCC.

Under the commitment, Keeta has agreed to:

- amend provisions to allow restaurants to partner with new entrants and/or small platforms without losing the commercial incentives (such as lower commission rates) that restaurants would otherwise be entitled to when they work exclusively with Keeta;
- amend provisions to make it easier for restaurants to switch from working exclusively with Keeta to also partnering with other online food delivery platforms; and
- remove provisions that prevent restaurants from offering lower menu prices to consumers on their own direct channels and on competing online delivery platforms.

This is the third commitment the HKCC has secured in the online food delivery sector, following the December 2023 commitments from Foodpanda and Deliveroo (who has since exited Hong Kong). With Deliveroo's departure in April 2025, Keeta and Foodpanda are now the only major platforms operating in Hong Kong. The HKCC has signalled that all major market players must adhere to the same standard, and it retains the right under section 61 of the Competition Ordinance to withdraw acceptance if Keeta fails to comply. The commitment remains in effect until 28 December 2026. Platform operators with exclusivity arrangements or price parity clauses should review their practices against the HKCC's approach in this case.

HKCC brings cartel proceedings over government technology subsidies

On 25 June 2026, the Hong Kong Competition Commission (**HKCC**) commenced proceedings in the Competition Tribunal against technology services providers Hazedawn Limited (**Hazedawn**), Fovea Studio Limited (**Fovea**) and Jedar Limited (**Jedar**), and two individuals, over alleged anti-competitive conduct involving applications under the Technology Voucher Programme (**TVP**).

The HKCC alleges that, between July 2019 and July 2024, Hazedawn, Awehaze Limited, Jedar and Fovea engaged in anti-competitive practices in providing quotations for IT solutions to prospective TVP applicants. The case concerns 380 TVP applications with approved funding of around HKD 60 million. According to the HKCC, Hazedawn or Awehaze prepared, or controlled the final pricing of, quotations submitted by Jedar and Fovea, which allegedly operated largely as cover bids to improve Hazedawn's or Awehaze's prospects of selection as the service provider. The conduct was allegedly facilitated by sharing company credentials, including quotation templates, electronic signatures, company chops and email access.

The matter originated from a referral by the Innovation and Technology Commission following concerns that a TVP application may have been tainted by anti-competitive conduct. The HKCC considers the alleged conduct may amount to serious anti-competitive conduct, including price-fixing, market-sharing, bid-rigging and sharing competitively sensitive information, in breach of the First Conduct Rule.

The HKCC is seeking declarations, pecuniary penalties against the three technology services providers and director disqualification orders against the two individuals. Jedar has admitted liability and entered into a cooperation agreement under the HKCC's settlement policy. The investigation also uncovered evidence suggesting possible forgery offences, which have been referred to the Hong Kong Police Force.

The HKCC warned that sharing or lending company credentials to competitors is unacceptable, even where a business does not directly participate in the bidding process, as it may facilitate bid-rigging.

Businesses should ensure that their processes for dealing with competitors are robust and reviewed often and that all bids and quotations are prepared and submitted independently.

Indonesia

TikTok investigated by KPPU

KPPU investigates TikTok over alleged e-commerce dominance

Indonesia's Competition Commission (**KPPU**) has issued a second summons to TikTok and its affiliated e-commerce platform, Tokopedia, over alleged unfair competition practices in Indonesia's digital commerce sector.

The probe stems from a complaint filed on 15 April 2026 by the Indonesia E-commerce Logistics Association (**APLE**). APLE alleges that TikTok's business model enables dominance across the e-commerce value chain – spanning content distribution, recommendation algorithms, payments and logistics. The complaint centres on TikTok Shop's delivery policies, which APLE claims restrict competition in logistics by steering transactions toward integrated providers and giving preferential visibility to products within TikTok's ecosystem.

APLE has also raised concerns about alleged aggressive promotional tactics that it argues are designed to gain market control, including substantial discounts and below-cost selling.

The KPPU has questioned APLE executives and is gathering evidence. If violations are established, APLE is seeking significant remedies including mandatory separation of social media and e-commerce services, platform-neutral logistics selection, and caps on market-distorting subsidies. These proposed remedies are similar to the behavioural conditions the KPPU previously imposed on the TikTok-Tokopedia merger (covered in the Q2 2025 edition of the CLQ), which included requirements to maintain open payment and logistics options and prevent self-preferencing.

This investigation underscores the KPPU's intensifying focus on digital platform conduct, particularly vertical integration, algorithmic self-preferencing and predatory pricing. For businesses operating in Indonesia's digital economy – especially those with integrated logistics, payments or marketplace functions – this is a clear signal to review existing practices against the KPPU's stated concerns and ensure robust competition compliance frameworks are in place.

Docomo fined for gun jumping

KPPU fines NTT Docomo for late cross-border merger filing

On 18 May 2026, the Indonesian Competition Commission (**KPPU**) fined NTT Docomo, a major Japanese mobile operator, IDR 2 billion (c. USD 120,000) for late notification of its acquisition of a majority stake in Intage Holdings, a Japanese market research and data analytics company. The fine illustrates the KPPU's sustained enforcement focus on merger notification compliance, including on foreign-to-foreign transactions.

NTT Docomo acquired a 51% stake in Intage Holdings on 23 October 2023, resulting in a change of control that triggered a notification requirement in Indonesia under Article 29 of Law Number 5 of 1999. Both companies had direct and indirect business activities in Indonesia, bringing the transaction within the KPPU's jurisdiction. Under the applicable filing rules, NTT Docomo was required to notify the KPPU within 30 working days.

NTT Docomo initially submitted a notification to the KPPU on the deadline date (1 December 2023), but subsequently withdrew it, citing the need for additional time to complete the required documentation given the complexity of the parties' business operations and the cross-border nature of the transaction. The KPPU ultimately received a complete notification on 11 December 2023 – six working days late. During the hearing, NTT Docomo acknowledged the delay and expressed regret, noting it had cooperated throughout the process.

Notably, Indonesia's merger regime applies to foreign-to-foreign transactions where the parties have Indonesian business activities. The KPPU has demonstrated it will pursue enforcement even where delays are short and co-operation is forthcoming. Companies completing notifiable transactions should build adequate time buffers into their notification processes and ensure that the correct acquiring entity files the notification within the 30 working day deadline.

Malaysia

MyCC issues proposed decision on food supply bid-rigging

On 16 June 2026, the Malaysia Competition Commission (**MyCC**) issued a proposed decision against six companies for alleged bid-rigging of a food supply tender. The MyCC has not publicly identified the companies.

The MyCC has provisionally found that the companies infringed section 4(1), read with sections 4(2)(d) and 4(3), of the *Competition Act 2010* [Act 712] (the **Act**). The alleged cartel concerned a food supply tender issued by the National Anti-Drugs Agency, valued at RM 5.7 million (c USD 1.39 million). The MyCC's investigation found that the companies engaged in bid rigging by exchanging information and tender facilitation, resulting in a restriction and distortion of competition in the supply of raw, fresh and dry food.

The proposed decision is a provisional determination only, and the involved companies have not been formally found to have infringed the Act. The six companies have been notified of the proposed decision and have 30 days to submit their written response. They will also have the opportunity to make oral submissions prior to the MyCC making a final decision. The MyCC has the power to impose a financial penalty upon a finding of cartel conduct. The maximum penalty is 10% of the companies' worldwide turnover during the breach period.

This is a notable development for businesses operating in Malaysia's food and agriculture sectors, which are among the MyCC's enforcement priorities. Companies participating in tender processes should ensure they participate independently and that robust measures are in place to mitigate the risk of non-compliance with competition laws.

Malaysia moves to strengthen its competition regime

On 23 June 2026, two bills were introduced to Malaysia's Parliament to amend the *Competition Act 2010* [Act 712] (**Competition Act**) and the *Competition Commission Act 2010* [Act 713]. Together the bills signal a significant change to the country's competition regime and a substantial expansion of the powers of the Malaysia Competition Commission (**MyCC**). The reforms are the first major amendments to the Competition Act since it took effect.

The reforms broaden the MyCC's powers and introduce new elements to the regime. Key changes include the following:

- **Information-gathering powers**: the MyCC will be empowered to compel businesses, individuals and government entities to provide information in the course of a market review. Failure to comply will constitute an offence.
- **Settlement offers**: the MyCC will be able to issue a settlement offer to companies under investigation for anti-competitive agreements or abuse of dominance (in contravention of sections 4 and 10 of the Competition Act). A company that admits to contravening the Competition Act after being issued with a proposed decision could receive a reduction in penalty of up to 40%. This is in addition to any reduction available under the Competition Act's existing leniency regime.
- **Right of appeal**: decisions of the Competition Tribunal may be appealed to the High Court on questions of law or penalty.

Notably, the bills do not propose introducing a mandatory general merger control regime in Malaysia under the Act despite the MyCC proposing a merger regime in previous draft amendments. Consequently, Malaysia's merger notification requirements will continue to be governed by sectoral regulation.

These reforms materially sharpen the MyCC's enforcement powers. Businesses operating in Malaysia should anticipate more assertive investigations and heightened compliance risk, and should review and update their competition compliance programs in readiness for the reforms.

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Middle East

UAE refers first cartel case to public prosecution

Cartel enforcement

In April 2026, for the first time since overhauling its competition regime in 2023, the UAE's Ministry of Economy and Tourism (**MOET**) has referred a group accused of cartel conduct in the poultry market to the Federal Public Prosecution for colluding to fix increased poultry prices in breach of the UAE's Competition Law and Consumer Protection Law. Price-fixing agreements are prohibited under Article 5 of the Competition Law if they have the purpose or effect of disrupting, restricting or preventing competition.

Poultry is one of nine essential consumer goods (along with cooking oil, eggs, dairy products, rice, sugar, legumes, bread, and wheat) for which prices must not be increased without prior approval from the Ministry, in accordance with Cabinet Resolution No. 120 of 2022 on the Rules and Controls for Pricing Consumer Goods.

This referral comes amidst an increase in monitoring of market activity and pricing of essential goods – measures which are being prioritised to ensure the continued supply of essential food commodities at fair prices. Between 28 February and 19 April 2026, it was reported that the MOET, in cooperation with local departments of economic development, carried out approximately 15,480 inspections across various markets nationwide, resulting in the detection of 312 violations, including unjustified price increases. Additionally, a total of 1,005 warnings were issued to suppliers.

Merger control enforcement

In addition, at a public event held in June 2026, the head of the Competition Department at the MOET revealed that it has made its first inquiry into gun-jumping conduct, issuing a "private warning" to infringing parties who had failed to notify the authority of a relevant transaction. In the spirit of taking a "business friendly" approach to enforcement, the parties were issued a warning, avoiding potentially significant penalties under the Competition Law.

UAE issues long-awaited executive regulations to competition law

On 30 April 2026, the UAE Cabinet adopted Cabinet Decision No. (59) of 2026 (**Executive Regulations**), setting out the implementing regulations for Federal Decree-Law No. (36) of 2023 Regulating Competition (**Competition Law**). The Executive Regulations replace the previous implementing regulations adopted in 2014 under the former UAE competition law and enter into force on 30 July 2026.

In addition, on 12 June 2026, Cabinet Decision No. (105) of 2026 was published prescribing fees applicable for certain applications, including applications for merger clearance under the UAE Competition Law. For merger clearance applications, a filing fee of 0.02% of participating party annual revenue capped at AED 150,000 will apply and any third party objection applications issued in the context of a public review of a merger will also be subject to a fee of AED 1,500.

Together with the Competition Law and Cabinet Resolution No. (3) of 2025 (which established the new merger filing thresholds), the Executive Regulations and latest Cabinet Decision deliver on a long-anticipated overhaul of the UAE competition framework and provide the first detailed procedural framework governing merger control, investigations, complaints and exemptions under the regime administered by the Ministry of Economy and Tourism (**MOET**).

Set out on the following page is a summary of some of the key provisions introduced under the Executive Regulations.

Publication of the long awaited Executive Regulations reflects an ongoing commitment by the UAE government to equip the UAE business community with further guidance on the application of the Competition Law. We anticipate further guidance on key points of interpretation and application of the UAE Competition Law to be published in the near term (including in relation to key matters such as the approach to defining relevant markets under the merger regime).

Topic	Competition Law provision	What the Executive Regulations provide
Merger control – filing obligations	Arts 14-19 (economic concentration)	• Clarifies which party must notify (depending on the transaction structure). For acquisitions, the obligation falls on the acquiring party (or parties); for mergers and joint ventures, all parties involved in the concentration are required to file jointly. • Notifications must include an "economic report" covering market definitions and competitive overlaps, including vertical relationships. • Certification requirements have been reduced substantially. Legalisation is now only required in respect of powers of attorney (where an application is submitted by an authorised legal representative), rather than all supporting documents submitted as part of a filing.
Merger control – review timelines	Art 18 (90-day review period, extendable by 45 days)	• Introduces a 10 business day completeness check, with a maximum of 10 additional business days for supplementary information requests. • The review period is suspended where the Competition Department issues information requests or seeks a technical opinion from a sectoral regulator. • If no decision is adopted within the statutory timeline, the transaction is deemed rejected.
Merger control – third-party rights	Art 18	• Third parties may submit observations or file a formal objection within 15 business days of a transaction being published on the MOET website. • The Competition Department has 5 business days for an initial review, followed by 20 business days (extendable by 7 days) to accept or dismiss any third party objection. • If an objection is accepted, notifying parties then have 10 business days to respond.
Merger control – investigative powers	Arts 18-19	• The Competition Department may conduct on-site inspections during merger reviews. • It may also investigate non-notified transactions (before or after completion), and may impose administrative penalties for any failure to notify.
Exemptions	Arts 9-11 (individual and block exemptions)	• Establishes a detailed procedural framework for individual exemption applications, including filing and evidentiary requirements. • Review timelines mirror the merger process at 90 days, extendable by 45 days, from receipt of a complete application.
Abuse of dominant position	Art 6 (abuse of dominant position)	• Clarifies that an undertaking may be found to hold a dominant position even where its market share falls below the 40% thresholds established in Cabinet Resolution No. (3) of 2025, based on qualitative and structural factors. • This aligns the UAE framework with more established regimes such as the European Union.
Predatory pricing	Art 8 (prohibition on below-cost pricing)	• Introduces a two-tiered assessment framework: pricing below average variable or marginal cost may be presumed predatory. Pricing above those thresholds but below average total cost may still be considered predatory where evidence suggests an anti-competitive intent. • Unlike other regimes, the prohibition operates as a standalone offence and is not dependent on a finding of dominance. Legitimate practices such as promotional offers, seasonal campaigns and stock liquidation are permitted where commercially justified.
Complaints and investigations	Arts 23-27	• Sets out complaint admissibility requirements, investigative procedures, procedural rights of parties under investigation, and reconciliation and settlement mechanisms. • Settlement under Article 33 of the Competition Law may suspend criminal proceedings but does not extinguish civil liability.
Institutional coordination	Arts 21-22	• Emirate-level authorities may review matters where the relevant undertakings are located in a single emirate and the effects do not extend beyond it. • Regulators in other sectors may exercise competition-related powers where they do not already have sector-specific competition rules and they obtain MOET approval. • Where effects extend in a meaningful way beyond a single emirate, the MOET is anticipated to retain primary control.

Jordan enacts competition law reforms

On 23 May 2026, Law No. 8 of 2026 (**Amended Competition Law**) entered into force, introducing wide ranging reforms to Jordan's Competition Law No. 33 of 2004. The Amended Competition Law materially strengthens Jordan's competition framework across several areas, including merger control, antitrust enforcement and institutional governance. The former Competition Directorate has been reconstituted as the Competition Protection Department, and further reforms include:

Merger control

- The definition of "economic concentration" in Article 9 has been further elaborated to capture acquisitions of "effective influence over the business decisions" of a target enterprise, and more expressly captures mergers, acquisitions, joint ventures, licence or management agreements and other arrangements conferring lasting control, even where no formal transfer of ownership occurs.
- The previous notification threshold, which combined a 40% market share with revenue thresholds, has been replaced by a purely turnover-based test, with thresholds to be set by the Council of Ministers (Article 9(b)). Until the Council of Ministers issues a new decision, the existing thresholds under Council of Ministers Decision No. 43223/2023 continue to apply (being a single party domestic turnover threshold of JOD 2 million (c. USD 2.8 million) or JOD 7 million (c. USD 9.8 million) combined domestic turnover threshold). A formal two-phase review process has also been introduced, with Phase One lasting up to 30 working days (Article 10(c)) and Phase Two up to 60 working days (Article 11(2)(b)). Parties may engage in pre-notification consultations with the newly established Competition Protection Department (Article 10(b)).
- Administrative fines for gun-jumping and failure to notify range from JOD 10,000 (c. USD 14,000) to JOD 50,000 (c. USD 70,000) (Article 11(f)), with repeat violations attracting fines of JOD 40,000 (c. USD 56,000) to JOD 90,000 (c. USD 127,000) (Article 21). In addition, transactions implemented without approval or completed prior to receipt of clearance may be deemed void and the authority may require restoration of the pre-transaction position.
- The Amended Competition Law also explicitly grants the Competition Protection Department the power to approve transactions subject to commitments, obligations or remedial measures (including structural and behavioural remedies) to address competition concerns. The Department may revoke an approval where it is obtained through inaccurate or misleading information, or where parties fail to comply with imposed conditions. Competition officials have also been granted broader investigative powers, including authority to conduct inspections and review physical and electronic records.

Anti-competitive practices

- The previous de minimis exception for cooperative agreements with "weak effect" on competition has been eliminated. All anti-competitive agreements are now prohibited irrespective of market share or scale.
- The Amended Competition Law also introduces a leniency provision for violations of Article 5 of the law (the prohibition against anti-competitive conduct). The first participant involved in a violation of Article 5 to disclose and cooperate with the Department may be exempted from fines entirely (Article 24(b)). Cooperation by other participants thereafter may also be recognised by a competent Court in the provision of penalties.

The reforms represent a notable step toward aligning Jordan's competition regime with international standards. Businesses active or planning to expand into Jordan should remain vigilant to ensure compliance with the Amended Competition Law, while also remaining mindful of the various avenues for exemption and leniency now available under the revised law.

Philippines

PCC publishes market study examining competition in residential water distribution

On 18 June 2026, the Philippine Competition Commission (**PCC**) released its Water Distribution Market Study, examining competition among water service providers (**WSPs**) in the residential segment.

The water distribution market in the Philippines operates as a natural monopoly, where the infrastructure and logistics involved make it most efficient for a single provider to serve a particular geographic area.

The study analysed the market at the district and households levels, and identified two main competition concerns:

- First, consumer choice may be limited either at the district level due to the absence of any viable alternative WSP, or at the household level by property developers and residential managers who engage a particular WSP for an entire residential development to the exclusion of any alternative provider.
- Second, switching costs, both monetary and non-monetary, deter residents from changing providers. In a 2021 PCC survey, 76.3% of respondents said they would not switch even if their provider raised monthly rates by 10%.

To address the identified concerns, the PCC made the following key recommendations:

- developing a centralised, user-friendly online platform that maps service coverage, publishes authorised tariffs and provides performance indicators to help developers and households compare WSPs; and
- enforcing existing abuse of dominance prohibitions against exclusivity arrangements between developers and WSPs at the household level.

The PCC has communicated its findings and recommendations to the National Water Resources Board, who have expressed support for the development of a centralised, consumer facing platform.

This report is one of a number of inquiries into utilities sectors in the Philippines which have identified similar competition law concerns.

In particular, on 11 June 2026, the PCC noted that a study had identified competition concerns in the retail electricity market, including high market concentration, vertical integration and structural advantages enjoyed by retail electricity suppliers affiliated with major power generators. The PCC discussed the findings with the Philippine Electricity Market Corporation (**PEMC**) during a policy discussion on 22 May 2026, where both agencies agreed that market concentration and pricing behaviour warrant closer monitoring.

The study identified barriers to customer switching, including:

- limited awareness of customer choice programmes;
- limited knowledge of the switching process;
- complex contract provisions; and
- delays linked to retail metering systems.

It also noted affiliate switching, where contestable customers move to another supplier within the same participating group, is potentially limiting diversification in the retail market.

PCC publishes draft exemption for compulsory notification of public-private partnership projects

The PCC has recently concluded a public consultation on a draft circular on the updated process for exemption of public-private partnership (**PPP**) projects from compulsory notification under the Philippines merger regime.

The draft circular aims to replace the existing memorandum circular 20-002 which presently provides an exemption pathway only for unsolicited PPP projects with a more comprehensive regime addressing certain sectors and regions that are granted exemptions from mandatory merger notifications.

The proposed grounds for exemption include initial investment in new economic activity in disadvantaged regions, cities, or municipalities. The circular also proposes broad sectoral exemptions for PPP projects involved in data transmission, tourism, agriculture, research and development and innovation, regional airport infrastructure, and maritime port infrastructure.

Under the draft process, applications for exemption are still handled by the PCC's Mergers and Acquisitions Office (MAO). Depending on whether the PPP project is in the bidding or project development stage, the PCC will have 20 or 40 days respectively to issue a decision on whether a PPP joint venture is exempt from a compulsory notification. If no decision is issued within the applicable period, the proposed project will be deemed exempt from compulsory notification.

The draft Circular is a significant step toward integrating competition review with the PPP Code framework while focusing PCC scrutiny on PPP projects with potential competition implications. The draft circular offers a potentially faster and more certain path to regulatory clearance than standard merger notification that can be addressed ahead of formal signing. If implemented, parties active in the identified priority sectors or contemplating projects in economically disadvantaged areas should monitor the final circular closely and consider early engagement with the PCC's Mergers and Acquisitions Office to confirm eligibility for exemption.

Singapore

CCS conditionally approves SP Mobility EV charging point acquisition

On 28 May 2026, the Competition and Consumer Commission of Singapore (**CCS**) conditionally approved SP Mobility Pte Ltd's (**SPM**) acquisition of Strides YTL Pte Ltd (trading as ChargEco) (**Strides**).

SPM and Strides are both charging point operators who own and operate a network of electric vehicle (**EV**) charging points throughout Singapore, whilst also each supplying services related to the installation, operation and maintenance of those charging points. Between them, SPM and Strides own and operate approximately 30% of public EV charging points in Singapore.

Following a period of public consultation, the CCS identified its key concern in relation to both parties being engaged by the Land Transport Authority for the rollout of EV charging points at Housing Development Board estates in Singapore's East region, where the parties have competed against each other prior to the acquisition.

The CCS conditionally approved the transaction after accepting commitments from SPM (lasting three years from 28 May 2026), including that:

- EV charging prices offered by the Parties would not exceed the levels prior to the proposed transaction, with the exception of regulatory costs passed through and the costs of non-routine repairs or replacements;
- Discounts or rebate schemes offered to EV drivers would not be applied in a discriminatory manner to disadvantage EV drivers solely on the basis of them utilising the said charging services in the East region of Singapore; and
- the CCS would be notified of any price adjustments at the relevant EV charging points when they occur.

The case represents a helpful consideration of how regulators may consider the growing market for supply of EV charging points. Notably, the CCS considered that the parties face threat of substitution from upstream manufacturers of EV charging points, as well as landlords and large property owners from diverse industries who can choose to procure and set up their own EV charging points.

CCS takes enforcement action against "dark patterns" by online retailers

The Competition and Consumer Commission of Singapore (**CCS**) has found three online retailers, namely Seager Inc. (which operates Boarding Gate), Origin Sleep, and Light In The Box, used misleading website features commonly known as "dark patterns" to influence consumers' purchasing decisions.

The dark patterns used included:

- **False urgency**: Boarding Gate and Origin Sleep's website displayed fake visitor counts (for example "XX people are looking at this product right now") and fabricated countdown timers (for example, "Hurry! Your order is reserved for xx:xx minutes") without any evidence to support the assertions.
- **Misleading representations about 'time limited' sales**: Origin Sleep ran what appeared to be a time-limited sales offering "Up to 40% off" but these supposed flash sales continued for nearly two years under rotating names; and
- **False scarcity**: Light in the Box displayed "Almost sold out" warnings on products to suggest scarcity, but in fact operated on a made-to-order procurement model and maintained minimal or no standing inventory that could have sold out.

Notably, the CCS did not accept as a defence one retailer's claim that its website design was based on a template purchased from an overseas vendor.

All three companies have provided formal undertakings to CCS, ceased their misleading practices, and committed to avoiding unfair trade practices in the future.

This enforcement action is in line with the CCS' commitments at the start of early 2026 to address dark patterns as one of its enforcement priorities.

Taiwan

TFTC approves merger between US smartphone chipmakers Skyworks and Qorvo

On 13 May 2026, the Taiwan Fair Trade Commission (**TFTC**) approved the acquisition by US-based Skyworks Solutions Inc (**Skyworks**) of 100% of the shares in rival smartphone chipmaker Qorvo Inc (**Qorvo**), which will create one of the largest US suppliers of radio-frequency chips with a combined enterprise valued at approximately USD 22 billion.

Skyworks is a global leader in high-performance analogue and mixed-signal semiconductors and Qorvo is a leading provider of connectivity and power solutions. Both parties are headquartered in the United States but outsource manufacturing and packaging of semiconductor chips to Taiwan.

The parties overlap in relation to radio frequency front-end products used in mobile communications and in short-range connectivity such as Wi-Fi, Bluetooth and ultra-wideband, which are supplied to common customers including Apple and other smartphone manufacturers.

Pursuant to the transaction, Skyworks will first acquire 100% of Qorvo's shares, after which a wholly-owned subsidiary of Skyworks will merge with Qorvo and be the surviving entity. The deal remains subject to regulatory approval in the United States and South Korea, with completion expected in early 2027.

Notwithstanding the parties' horizontal overlap, the TFTC approved the merger on the basis that, post-transaction, the merged entity will continue to face fierce competition in regional and global markets from existing, new and expanding competitors which have the ability to offer integrated baseband chip and radio frequency front-end solutions. It will also be constrained by downstream network communication product manufacturers who possess strong countervailing bargaining power through diversified procurement strategies, including by developing vertically integrated chip manufacturing capabilities.

In approving the deal, the TFTC noted that the merger will allow for the parties to consolidate their orders with Taiwanese wafer manufacturing and packaging companies, promoting stability in Taiwan's wafer foundry ecosystem.

Thailand

Thailand e-commerce platform competition guidelines now in force

On 25 March 2026, the Trade Competition Commission of Thailand (**TCCT**)'s guidelines on unfair trade practices and anti-competitive conduct by e-commerce platforms came into force. We reported on the draft guidelines in the Q3 2025 edition of the CLQ.

The development is significant because the guidelines give the TCCT an enforceable framework under the Trade Competition Act B.E. 2560 (2017) for reviewing the conduct of digital platforms facilitating the sale of goods or services.

The two categories of potentially prohibited conduct – price-related conduct and non-price conduct – are broadly consistent with the draft guidelines.

Price-related conduct

Price-related conduct includes:

- **Price below cost:** requiring goods or services to be priced below average total cost.
- **Rate parity clauses:** preventing lower prices on other sales channels.
- **Resale price maintenance:** requiring goods or services to be resold at a fixed price.
- **Unreasonable fees:** charging unjustified commission, advertising, logistics, promotion or payment fees.
- **Pricing abuses:** excessive pricing, parallel pricing, price discrimination or predatory pricing.
- **Algorithmic pricing:** using algorithms to influence prices or rankings without reasonable justification.

Non-price conduct

Non-price conduct includes:

- **Visibility reduction:** restricting the visibility of a seller's goods or services.
- **Self-preferencing:** favouring the platform's own goods, services or preferred sellers.
- **Forced service use:** requiring sellers to use specified carriers (logistics providers engaged through the platform), payment channels, advertising services or promotions.

- **Exclusive dealing:** restricting sales through competing platforms.
- **Tying and bundling:** requiring other goods or services to be sold or used together.
- **Data leveraging:** using third-party data to advantage the platform's own business network.
- **Discrimination:** treating sellers, carriers or orders differently without reasonable justification.
- **Collusion:** engaging in coordinated conduct.

Broad exemptions apply where conduct has reasonable economic, business or technological justification, aligns with market practices, or reflects competitive behaviour typical of comparable operators. Exemptions may also apply if the conduct does not significantly affect overall competition, restrict competition unreasonably, or result in unfair treatment of other businesses. The TCCT may also consider contractual relationships and restrictions under other laws.

The guidelines are now binding. E-commerce platforms operating in or supplying into Thailand should review contracts, fee structures, default settings, data practices and algorithmic tools for compliance. Where conduct falls within a prohibited category, platforms must document a lawful justification satisfying at least one exemption factor.

Vietnam

Vietnam consults on competition and digital platform reform

On 1 June 2026, Vietnam's Government issued Resolution No. 141/NQ-CP, which amends Vietnam's laws on commerce, competition, foreign trade management and consumer protection rights.

With regard to competition and consumer law issues, the Vietnamese Government is proposing amendments aimed at:

- amending administrative procedures in the enforcement of competition law to provide greater efficiency, legal certainty and transparency; and
- removing perceived difficulties and obstacles arising out of the regulation of competition and consumer law.

As part of the policy reforms, the Vietnamese Government is currently consulting on draft legislation which significantly amends how the existing mechanisms operate, and introduces wider reaching prohibitions.

The draft legislation has particular significance for digital platforms operating in Vietnam, as it is at least in part modelled on the European Union's Digital Markets Act and purports to impose ex-ante obligations on digital platform operators. This includes by extending the existing abuse of market power prohibition to also prohibit conduct such as bundling and tying goods and services, self-preferencing, and restricting the use of non-public data generated or provided by businesses operating on a digital platform.

As reported in our Q1 2026 edition of the CLQ, on 28 January 2026 China's SAMR issued Anti-Trust Compliance Guidelines for Internet Platforms. Vietnam's proposed digital platform regime signals a broader Asia-Pacific trend towards ex-ante platform regulation.

Consultation on the draft legislation closes on 10 July 2026. Further details are expected throughout 2026.

Vietnam overhauls merger control regime

Vietnam has begun rolling out significant changes to its merger control regime through amendments to its Competition Law and Resolution 66.18 including new notification thresholds, sanctions, fines and regulator powers.

New sanctions, fines and regulator enforcement powers

From 20 May 2026, the following changes have applied:

- **New enforcement powers**: the Vietnam Competition Commission (**VCC**) can now issue structural or behavioural remedies, force divestment of capital or assets, and enforce post-transaction conditions (e.g. behavioural monitoring or pricing restrictions).
- **Non-compliance with post-transaction conditions**: A fine of 1%–3% of relevant market turnover now applies for breach of VCC-imposed conditions.
- **Completing a prohibited merger**: A fine of 1–5% of relevant market turnover now applies if parties complete a transaction the VCC has prohibited.
- **Dishonest or false information**: A fine of VND 20–50 million (c. USD 760–1,900) now applies for providing, or causing others to provide, false information. The VCC may also revoke or change prior decisions if it detects false information, concealment, or destruction of evidence.
- **Failing to comply with information requests**: A fine of VND 20–30 million (c. USD 760–1,100) now applies for insufficient responses to information requests.
- **Gun jumping and failure to notify**: Fines, previously 1–5% of relevant market revenue, are now based on total assets or revenue in Vietnam in the prior financial year:
  - below VND 3,000 billion (c. USD 114 million): VND 500 million–1 billion (c. USD 19,000–38,000); or
  - above VND 3,000 billion: VND 1–2 billion (c. USD 38,000–76,000), both capped at 5% of relevant market turnover.

Parties with no Vietnamese assets or revenue face a fixed fine of VND 100–200 million (c. USD 3,800–7,600), confirming notification is required once thresholds are met regardless of any Vietnamese competition nexus.

Higher monetary notification thresholds

From 1 July 2026 to 28 February 2027, Vietnam's monetary notification thresholds will effectively double, with the law requiring notification where:

- the total assets or revenue of the merger parties (including affiliated groups) in Vietnam exceed VND 6,000 billion (c. USD 228 million), up from VND 3,000 billion; or
- the transaction value exceeds VND 2,000 billion (c. USD 76 million), up from VND 1,000 billion.

The 20% combined market share threshold and financial markets thresholds remain unchanged.

The higher thresholds mean fewer Vietnam filings for mid-market deals until 28 February 2027, but those transactions which are caught by the law now face far more serious non-compliance consequences. Dealmakers should reassess which transactions may trigger notification and update compliance processes to reflect the VCC's enhanced enforcement powers.

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