



20 Dec 2021

**Moola caught out for Google Ads arrangements**

High Court declares Moola.co.nz breached the cartel prohibition after the loan provider agreed with competitors to not bid on each other's brand names on Google Ads and to "negatively match" certain keywords so their ads would not show when those keywords were used.

[read more...](#)



8 March

**NZCC release shopping list of recommendations**

NZCC publishes its final report setting out the findings of its market study into the retail grocery sector. Subsequently in May, and then again in November, the Government introduced new legislation to apply to the grocery sector as its response to the NZCC's findings.



5 April

**Major shake up to the Commerce Act**

The Commerce Amendment Act 2022 becomes law, introducing significant changes to NZ's competition law framework, including a new misuse of market power test, repeals of specific IP exceptions, and expansion of the cartel prohibition to land covenants. Key changes will come into force one year after Royal assent, on 5 April 2023.

[read more...](#)



30 May

**First collaborative activities clearance doesn't "work out"**

NZCC declines its first collaborative activities clearance application, finding that cartel provisions Anytime Fitness NZ sought to include in its franchise agreements lower and upper limits on membership pricing that were not reasonably necessary.



23 June

**Panasonic warned over allegedly setting minimum resale prices for TVs**

Panasonic issued warning after the NZCC concludes that the television manufacturer likely engaged in retail price maintenance in relation to the supply of televisions to retailers.



3 August

**Chicken growers authorised to collectively bargain with Tegel**

New Zealand Tegel Growers Association receives authorisation from the NZCC to collectively negotiate the terms of its members' supply of chicken growing services to Tegel Foods Limited for a ten-year period.

[read more...](#)



5 August

**Restrictive covenants in the spotlight**

NZCC recommends an economy-wide review into the impact of restrictive land covenants on competition as part of the building supplies market study draft report.



5 October

**Warning over attempted customer allocation**

Sustainable packaging manufacturer Better Packaging and its director issued warnings by the NZCC following an email chain allegedly attempting to allocate customers between Better Packaging and a competitor.

[read more...](#)



18 October

**Draft misuse of market power guidelines released**

NZCC publishes draft guidelines on its intended approach to assessing conduct under the new misuse of market power test. Finalised guidelines are expected during early 2023.

[read more...](#)



4 November

**NPA authorised to collectively bargain with tech giants**

News Publishers' Association of NZ receives authorisation for a 10 year period from the NZCC to collectively negotiate with Meta and Google the terms and conditions on which participating news media companies' content is displayed on their digital platforms.

[read more...](#)



9 November

**New fuel industry powers to be granted to NZCC**

Government announces its intention to introduce a regulatory backstop to promote competition in the wholesale fuel market, as recommended by the NZCC as part of its 2019 market study into the fuel industry.

[read more...](#)



29 November

**New chair announced**

Government announces Dr John Small as the new chair of the NZCC, replacing Anna Rawlings. Dr Small's appointment is until June 2025.



6 December

**Building supplies market study wraps up with final report**

NZCC publishes its final report on its market study into competition within the residential building materials industry.

STATISTICS

11

merger applications cleared (3 of which were subject to divestment undertakings)

0

merger applications declined (albeit 4 applications withdrawn)

82

working days on average after the date of registration

2

restrictive trade practice authorisations granted

1

collaborative activity clearance application declined

On the horizon for the new year...

**Guidelines, guidelines, everywhere**

2023 will see the publication of at least three highly anticipated guidance documents from the NZCC:

New Mergers and Acquisitions Guidelines, which have not received substantive updates in the past 10 years.

Standalone guidance on divestment undertakings, which currently sit within the existing Mergers and Acquisitions Guidelines.

Misuse of market power guidelines, outlining how the NZCC will assess conduct under the new section 36.

Sustainability in the spotlight



In recent years, overseas regulators have been increasingly interested in how competition law can be used as a tool to support sustainability goals. We expect that grappling with this intersection will be a hot area for the NZCC in 2023, particularly in the context of its authorisation regime which enables the NZCC to authorise an acquisition or anti-competitive conduct where it considers that the public benefits (including environment, health or social welfare benefits) outweigh any lessening of competition that may result.

Any questions? Talk to one of our experts



**Petra Carey**  
+64 (09) 367 8831  
petra.carey@russellmcveagh.com



**Troy Pilkington**  
+64 (09) 367 8108  
troy.pilkington@russellmcveagh.com



**Bradley Aburn**  
+64 (09) 367 8816  
bradley.aburn@russellmcveagh.com

