Enforcement and Compliance Priorities 2026/7

COMMERCE COMMISSION NEW ZEALAND
Te Komihana Tauhokohoko

Context

The Commission has responsibilities across the New Zealand economy to promote competition, fair trading and consumer protection, including by encouraging and enforcing compliance with the law.

This document sets out where we will focus our compliance and enforcement efforts for 2026/27.

We have a set of enduring priorities that reflect our core responsibilities. Each year, we also set specific priorities to signal where we will focus our resources, including our litigation fund.

Where we consider the law may have been breached, we have discretion to take enforcement action, such as court proceedings, or other compliance actions, such as issuing a formal warning. In some cases, we may take an educative approach and work with businesses to lift compliance.

Our decisions are guided by our Enforcement Response Guidelines (available on comcom.govt.nz). These set out how we assess the level of harm, the seriousness of the conduct, and the public interest.

These priorities do not limit our work. They indicate where we are most likely to focus, but we will continue to respond to urgent and emerging issues outside these areas. This includes being alert to conduct that may arise following economic shocks or periods of disruption, as well as monitoring emerging risks in digital markets, including the use of artificial intelligence.

Our priorities are informed by a range of factors, including concerns raised by the public and consumer representatives, market intelligence, current events, and trends from our investigations.

This year we have decided to remove “vulnerable consumers” as a standalone enduring priority. This reflects that vulnerability is already a consideration underpinning all of our work, including when we assess harm and decide how to respond to potential breaches.

Enduring priorities

We have long-term enduring priorities, which are always core to meeting our responsibilities as a competition, fair trading, and consumer protection regulator.

Cartels: We will prioritise cartel conduct causing detriment in New Zealand. Cartel conduct can comprise price fixing, bid rigging, market allocation by customer or geographic or output restriction between competitors.

Anti-competitive conduct: We will prioritise enforcement action for misuse of market power or anti-competitive agreements that cause significant harm to competition. We will also act where we see an appropriate opportunity to test areas of the Commerce Act where judicial guidance would be valuable.

Actions that support our market and economic regulation functions: The Commission has specific market and economic regulation responsibilities in relation to the grocery, fuel, and telecommunications industries and for retail payment systems, as well as electricity, gas, airports, water, dairy, and fibre. We will prioritise action which supports our broader market and economic regulation roles.

Product safety: We will prioritise product safety issues (that are within our regime) which have the potential to cause serious harm to consumers, particularly children.

Non-notified mergers: We will prioritise detecting and investigating non-notified mergers that risk substantially lessening competition in New Zealand. Where such acquisitions are likely to raise competition concerns, we will take action to protect competitive market structures and prevent harm becoming entrenched.

Specific priorities FY26/27

Our specific priorities for enforcement and compliance for 2026/27 are:

Cartels in public procurement: We will prioritise cartel conduct which impacts the competitive process for the procurement of public services and infrastructure contracts. We will take action in this area. Protecting the integrity of processes concerning the expenditure of public funds is essential.

Online sales conduct: Buying products online is increasingly important for Kiwi consumers. We will prioritise taking action to protect consumers from online sales practices such as fake reviews, misleading scarcity claims, misleading social proof sales tactics, drip pricing, and subscription traps.

Breaches in the grocery sector: Groceries are a critical purchase for all New Zealanders. Consumers should be able to rely on supermarket prices and promotions being accurate. We will take action where we consider sales practices are illegal. We will also focus on compliance by retailers and wholesalers with codes and other obligations with an emphasis on anti-competitive behaviour and breach of obligations to act in good faith. We will also prioritise enforcement relating to obligations that promote competition (e.g., wholesale access).

Pricing and promotional practices: Pricing and promotional practices are an increasing consumer concern in New Zealand. We will prioritise practices that mislead consumers about price, savings or urgency. Clear and reliable price signals are essential for effective competition and informed consumer choice. Where we consider pricing or promotional practices are misleading or create a false impression of savings, we will take action.

Exclusive arrangements that impact competition: We will focus on exclusive arrangements that make it harder for other businesses to compete, such as limiting access to customers or suppliers. These arrangements can reduce competition and choice. Keeping markets open helps new businesses grow and delivers better outcomes for consumers.