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Competition and Consumer Protection Update: Mid-year 2026

It has been a busy first half of 2026 for competition and consumer protection law in Singapore, with a landmark court ruling, a revamped merger review process, sharper settlement incentives, and an accelerating crackdown on dark patterns. Here is what matters for your business:

(a) **Informal pricing exchanges remain high risk.** The General Division of the High Court of Singapore (**High Court**)'s first-ever competition appeal ruling confirms that even informal, one-off exchanges of pricing information between competitors, with no agreement required, can amount to an infringement "by object", and clarifies the test to be used for such "by object" infringements.

(b) **Settling just got more attractive.** The Competition and Consumer Commission of Singapore (**CCS**)'s new Fast Track Procedure, effective 1 July 2026, triples the maximum penalty discount to 30%, sharpening the cost-benefit of settling early versus contesting an investigation.

(c) **Merger filings move faster, but scrutiny moves earlier.** The revised CCS Guidelines on Merger Procedures (effective 1 May 2026) streamline review of non-problematic deals to 25 working days. For deals with possible concerns, a higher threshold to open Phase 2 prioritises scrutiny within Phase 1, giving parties greater clarity and the chance to offer commitments sooner.

(d) **Where CCS will (and will not) intervene in mergers.** Three recent decisions show CCS scrutinising sector-regulated pricing and narrow geographic and tender-based markets, while also demonstrating that it will stand back where a sectoral approval exclusion applies.

(e) **Dark patterns enforcement is snowballing.** Eight enforcement decisions since late 2025, three in May 2026 alone, with CCS now examining website source code to test whether on-screen claims are genuine.

We unpack what each development means in practice below.

First Appeal of a CAB Decision to the High Court[1] – Clarification on Test for "*By Object*" Infringements

On 30 June 2026, the High Court delivered its judgment in the first appeal under the Competition Act 2004 (**Competition Act**) to reach it. The High Court reversed the Competition Appeal Board (**CAB**)'s decision, restoring CCS's finding that two Keppel Distripark warehouse operators had infringed section 34 of the Competition Act – i.e., the prohibition of agreements or coordinated conduct that prevents, restricts or distorts competition – by exchanging pricing information ahead of imposing a levy on import cargo stored within the free trade zone of Keppel Distripark.

[1] *Competition and Consumer Commission of Singapore v CNL Logistic Solutions Pte Ltd and another* [2026] SGHC 139.

The case turned on when coordinated conduct restricts competition "by object" – that is, conduct that causes a sufficient degree of harm to competition that CCS need not prove the anti-competitive effects of the conduct. The CAB had set that threshold high, holding, among other things, that CCS wrongly equated "information sharing" with "price fixing". Instead, the CAB determined that "information sharing" called for a fuller analysis of the surrounding market context before a conclusion could be reached that the conduct was so obviously injurious to competition as to warrant treatment as a "by object" infringement – and held that such an assessment had not been conducted. The High Court disagreed. In doing so, it provided welcome clarity on the "by object" restrictions of competition, as follows:

(a) **The "by object" restriction test.** Conduct may be assessed as a "by object" restriction where it can only or must necessarily be explained as being for the sole or primary purpose of preventing, restricting or distorting competition in Singapore. The High Court described such conduct as having a "manifest anti-competitive economic rationale".

(b) **A "sufficient degree of harm" to competition.** The threshold for a "by object" restriction is a "sufficient degree of harm" to competition – the CAB's "egregious and obviously harmful" formulation set the bar too high, while a mere "potential to have a negative impact" test (based on EU case precedents) set the bar too low. The correct standard is a qualitative measure: it identifies the kind of harm to competition which the conduct is inherently liable to cause, not the degree to which that harm has actually materialised or can be measured. The focus should be on harm to the functioning of the relevant market and to competition, rather than on other types of harm, such as to consumers, or other economic outcomes.

(c) **Extent of review of economic context depends on circumstances.** CCS must examine the economic context, but the extent of the assessment required is not fixed and would be specific to the circumstances of each case.

(d) **No safe harbour for small players.** The operators' combined market share of about 5.75% did not absolve them of liability. While the High Court did not rule out a very small market share as militating against a finding of a "by object" infringement where price fixing was concerned – emphasising that parties are free to raise this in representations to CCS and, if necessary, on appeal – it acknowledged that this was likely to be a "rarity".

For businesses, the practical message is that informal, even one-off, exchanges of pricing information between competitors – a single message or call will do – carry real antitrust risk, with no need for any formal agreement.

We examine the judgment and its practical implications in greater detail in our separate update, "*High Court Clarifies the Test for 'By Object' Infringements, Reverses CAB's Decision in First Competition Act Appeal*".

New Fast Track Procedure

CCS has introduced a new Fast Track Procedure which came into effect on 1 July 2026. This replaces the previous process that was first introduced in 2016. The new procedure, among other things:

(a) Triples the maximum penalty discount (from a fixed 10% to up to 30%) for businesses that settle investigations early;

(b) Provides clearer guidance on submissions to indicate that extensive submissions are not suited for fast track; and

(c) Clarifies the effect of an appeal on Fast Track Agreements (i.e., the Fast Track Discount is revoked if appealed).

Click here for our deeper dive into the Fast Track Procedure Guidelines.

Update to Merger Procedure Guidelines

CCS's revisions to the Guidelines on Merger Procedures took effect on 1 May 2026. The amendments reshape the Phase 1 review process, recalibrate the review timelines, signal a more active mode of regulator engagement, and sharpen the way CCS triages incoming notifications. We highlight the changes that matter most for filings going forward.

Review Timelines: New Streamlined Phase 1 for Non-Problematic Mergers

CCS has split Phase 1 into three administrative tracks of different intensities. Together with its updates to Phase 2, this aims to give CCS more flexibility in how it processes notifications and parties better and earlier clarity on how their case is progressing. The practical implication is that more of the substantive work and strategic decisions now sit at the front of the review process.

Track	Scope	Before	Now *
Streamlined Phase 1	Merger situations that clearly do not raise competition concerns.	-	**25 working days** (*Expected for most mergers*)
Standard Phase 1	The default Phase 1 review for cases not in the streamlined track.	**30 working days**	**30 working days** (*Unchanged*)
Extended Phase 1	Where the merger requires more scrutiny. CCS expects extensions to be infrequent and assessed case by case.	-	**Up to 50 working days** (*Standard Phase 1 + up to 20 working days*)
Phase 2	Where CCS has reasonable grounds to suspect a section 54 infringement.	**120 working days**	**100 working days**

**** Note on timelines:** These are only administrative review timeframes. Actual review timelines are typically longer, taking into account clock stoppages for, among other things, requests for information (**RFIs**), commitments evaluation, confidentiality disputes and third-party delays. While CCS endeavours to complete Phase 2 within 100 working days (shortened from 120 working days), the 20 working days saved are broadly the same 20 working days now available as headroom within the extended Phase 1. **The combined maximum administrative timeline remains around 150 working days**. The change, however, is about when the review work is done: in our reading, earlier certainty for cases that do not require a full Phase 2 review. How this plays out in practice will become clearer as CCS decisions under this new framework start to come through.*

Revised Form M1

CCS has revised Form M1 for the second time in three years. In comparison, the 2023 revision was more substantial, with CCS expanding the form considerably to front-load questions previously appearing in RFIs, including questions on vertical and conglomerate effects, countervailing buyer power, and expanded competitor and customer contact lists.

The 2026 amendments are more administrative:

(a) Non-confidential versions of Form M1 are no longer required by default. Confidential information is identified inline using square brackets, with a separate reasoned annex;

(b) New guidance in Part 1 on notifying non-applicant merger parties under regulation 5 of the Competition (Notification) Regulations 2007; and

(c) Part 3 updated with additional fields, including notifying party, legal representatives and notifying date.

Changes to engagement process during review

CCS has also refined how it engages with applicants during the review, preferring a more flexible approach over a milestone-driven review process.

Procedure	Before	Now	Impact
Higher Threshold for Phase 2 Review	CCS unable to conclude in Phase 1 that merger does not raise competition concerns under the section 54 prohibition.	CCS concludes from Phase 1 that there are reasonable grounds to suspect that merger may infringe the section 54 prohibition.	More certainty at an earlier stage if CCS is unlikely to clear merger (i.e., at the end of Phase 1 instead of during Phase 2).
Competition Concerns Communicated Earlier (End of Phase 1)	Phase 1 Issues Letter sets out main competition concerns for requiring a Phase 2 review. Competition concerns arising from merger communicated in Phase 2 Issues Letter.	Phase 1 Issues Letter sets out CCS's competition concerns with indication that merger unlikely cleared if such concerns remain unresolved. Phase 2 Issues Letter removed.	CCS encourages applicant(s) to address competition concerns at an earlier stage (e.g., by way of commitment proposals).
Phase 2 Procedural Milestones Removed	Phase 2 Issues Letter and state-of-play meeting were the main engagement points.	Both removed to allow for more flexible engagement at "appropriate junctures" during Phase 2.	Signals a shift from milestone-driven to more continuous and expedient regulator-applicant engagement.

Procedure	Before	Now	Impact
Ancillary Restraints – Substantiate or Re-File	CCS could engage the applicant(s) on the content of the notified ancillary restraints as part of the merger review process.	CCS will assess ancillary restraints solely based on the information provided in Form M1. CCS engages applicant(s) on restraints it does not consider ancillary *outside* the merger review process on a case-by-case basis.	Onus is on applicant to provide sufficient information on the ancillary restraint in Form M1 for CCS to assess protracting the merger review process.

Three Merger Control Decisions in Focus: Behavioural Commitments, Sectoral Exclusions, and Niche Market (Marina Berths) Mergers

(a) **CCS Decision – SP Mobility Pte. Ltd. / Strides YTL Pte. Ltd. (May 2026)**: CCS conditionally approved the acquisition by SP Mobility of Strides YTL (operating as ChargEco). Both entities own and operate electric vehicle (**EV**) charging networks in Singapore. CCS cleared the transaction after accepting three-year commitments on EV charging at Housing & Development Board (**HDB**) carparks in Singapore's East region. The commitments include:

(i) A price cap where prices are held at pre-transaction competitive levels, with increases allowed only to pass through costs outside the merged entity's control (e.g., new government levies or equipment repair or replacement costs resulting from *force majeure* or other extraordinary events); and

(ii) The merged entity's discount or rebate programmes to its users are to apply consistently and should not disadvantage personal account holders utilising EV charging points in the East on the sole basis of them charging at such EV charging points.

Two key points stand out from this decision:

(i) **Sectoral price regulation may not remove merger concerns**: Even though the parties were subject to pricing formulas set by the Land Transport Authority (**LTA**), CCS found these unlikely to sufficiently constrain the merged entity from raising prices.

Businesses in sectors with regulated pricing or pricing caps should not assume that sectoral price controls automatically remove merger concerns.

(ii) **Tenders can create overlaps and be a barrier to entry**: The concern arose because the parties were the only two operators awarded contracts under the same LTA tender to deploy EV charging points at HDB carparks in Singapore's East region. CCS assessed competition at the regional level (i.e., narrower than Singapore as a whole).

In doing so, CCS found that new entry and expansion would not sufficiently constrain the merged entity in the near term, given that only pre-qualified operators can bid for HDB EV charging tenders. Further, the panel of pre-qualified operators can bid for HDB charging tenders, and the panel (refreshed every two years, most recently on 13 January 2026) currently comprises just five operators.

Businesses that win region-specific tender lots, or that sit on a small panel of approved bidders, should be mindful of localised competition concerns if they later combine, even where their national market shares are modest.

(b) **CCS Phase 1 (Preliminary Findings) – *SUTL Enterprise Ltd and ONE15 Marina KB Pte. Ltd. / Keppel Bay Pte Ltd* (April 2026)**: CCS raised competition concerns at the end of its Phase 1 review of ONE15 Marina KB Pte. Ltd. (a wholly owned subsidiary of SUTL Enterprise Ltd)'s proposed S$40 million acquisition of the property and assets at Marina at Keppel Bay. CCS preliminarily found that each of the two marinas may be the other's closest competitor given their proximity and similar market positioning, that the combined entity would hold significant market share in marina berths, and that other marinas may not be strong enough alternatives to constrain pricing. The case has proceeded to a more detailed Phase 2 review. **Businesses operating in small, specialised markets should not assume that a modest transaction size will keep a deal below CCS's radar, particularly where the merging parties are viewed as each other's nearest rivals.**

(c) **CCS Decision – MT Financial FZ-LLC (wholly owned subsidiary of The Western Union Company) / SingCash Pte. Ltd. (January 2026)**: CCS issued a short decision specifically confirming that the merger was excluded from the merger control regime under the Competition Act – as it was subject to a sectoral approval requirement, specifically the Monetary Authority of Singapore's approval under the Payment Services Act 2019. **This confirms the application of the sectoral approval exclusion under the Competition Act, and it may not be necessary to seek a CCS decision where the exclusion clearly applies.**

Dark Patterns – Enforcement Against Eight Businesses Since Mid-2025

CCS issued enforcement decisions against three online retailers on 18 May 2026 for dark patterns on their customer-facing websites:

(a) **Seager Inc. (operating as Boarding Gate)**: Fake visitor counts (*XX people are looking at this product right now*) randomly generated, with no tracking of actual page views.

(b) **Origin Sleep**: Fake countdown timers with no impact on product availability, and a "Flash Sale" that ran for nearly two years under rotating names (Valentine's Day, CNY, 3.3 Mega).

(c) **Light In The Box**: "*Almost sold out*" labels applied randomly for promotional effect, on a website that operated on a made-to-order model with no standing inventory. Discounted prices shown against fake "original" prices that were never actually offered.

These latest cases bring the total to eight enforcement decisions on dark patterns since mid-2025, following earlier action against Courts, PRISM+, Hotel Bed Company, Agoda and Lambency Detailing for similar practices.

Three points stand out:

(a) CCS is now examining website source codes to check whether on-screen claims are legitimate and can be supported by real-time data;

(b) The use of third-party website templates does not shield businesses from responsibility for their obligations to consumers; and

(c) CCS will consider historical records to determine whether “limited-time” promotions and discounted prices are genuine.

Businesses with customer-facing websites or applications should audit their interfaces against these patterns. As a helpful starting point, **CCS’s Guide on Quality-Related Claims** (issued October 2025) sets out five principles for product and environmental claims: accurate, clear, meaningful, accompanied by material information, and supportable by evidence. These principles apply to dark patterns conduct as much as to advertised claims.

For artificial intelligence (**AI**)-driven interfaces, the **AI Markets Toolkit** (**Toolkit**) jointly developed by CCS and the Infocomm Media Development Authority (IMDA) helps businesses self-assess whether their systems raise competition or consumer protection concerns. CCS has said that regular use of the Toolkit may be considered in any future enforcement action. CCS Chief Executive, Alvin Koh, has also stated that businesses remain responsible for foreseeable harms caused by AI algorithms, whether developed internally or purchased from third parties.

CCS’s clampdown on dark patterns sits within a broader regulatory direction: since 1 July 2025, CCS has consolidated four consumer-facing mandates under one regulator – competition, fair trading, product safety, and weights and measures – and is now the single point of enforcement for businesses on all four. In parallel, the Consumer Protection Review Panel (convened to undertake the first comprehensive review since 2018 of the Consumer Protection (Fair Trading) Act 2003) has identified dark patterns as one of four focus areas. The panel is expected to submit its recommendations to the Government in H2 2026.

If you would like information and/or assistance on the above or any other area of law, you may wish to contact the Partner at WongPartnership whom you normally work with or any of the following Partners:

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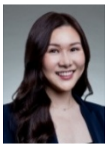

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