



# WHAT'S IN STORE FOR 2025?

## A GOVERNMENT COMMITTED TO IMPROVING COMPETITION

The Government has announced two reviews – one focused on the Commerce Act and another focused on the Commission's governance. Commerce and Consumer Affairs Minister Andrew Bayly commented that *"Improving competition to drive down the cost of living and increase productivity is one of the Government's top priorities."* Check out our [update](#) on this for more information.

## A BOLDER AND BRAVER COMMERCE COMMISSION

**Litigation:** The Commission has committed to being a more active and courageous regulator and intends to overcommit its litigation fund. We encourage businesses to use the new year as a chance to evaluate what processes they have to comply with competition and consumer law.

### 2025 key priorities:

- The Commission has recently announced its specific enforcement and compliance priorities for 2024/25. These are bid rigging cartels, non-compete agreements, illegal online sales conduct, breaches in the grocery and telecommunications sectors, unconscionable conduct and motor vehicle finance.
- These sit along the Commission's enduring priorities which include cartels, anti-competitive conduct, product safety, protecting vulnerable consumers, and actions which support the Commission's specific market and economic regulation responsibilities.
- In line with these priorities, this week saw the first criminal prosecution for cartel conduct in New Zealand. Following a Commission investigation, the Auckland High Court imposed a \$500,000 fine on the company and sentenced the company's director to community detention.

**Potential updates to Mergers and Acquisition Guidelines (MAGs):** This year, Matthews Law was invited to give high-level feedback on issues the Commission should consider in its proposed review of the MAGs and Advisory Note. Our submission is available [here](#).

## INTERNATIONAL TRENDS LIKELY TO INFLUENCE NZ

**Greenwashing:** The significant crackdown on greenwashing means businesses promoting themselves as "sustainable" should ensure they can substantiate any claims made & do not mislead customers.

**Algorithms & AI use:** New technology creates new risk. Businesses operating algorithms & AI models should ensure they do not inadvertently breach competition laws, including by sharing information with competitors.

**Class actions & litigation funding:** Competition class actions are trending overseas (including with the support of litigation funding). We expect an increase in follow-on competition law cases in New Zealand.

**Growing list of merger theories of harm:** Regulators worldwide appear to be increasingly concerned with non-horizontal mergers, nascent competitors and creeping acquisitions.