



COMPETITION & CONSUMER  
COMMISSION | SINGAPORE

## MEDIA RELEASE

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### High Court Upholds CCS's Infringement Decision Against Warehouse Operators for Exchanging Pricing Intentions

1. The Singapore High Court has allowed the Competition and Consumer Commission of Singapore's ("**CCS**") appeal against the Competition Appeal Board's ("**CAB**") decision and reinstated CCS's finding that two warehouse operators had infringed the Competition Act 2004 (the "**Act**") by exchanging information on intended surcharges. The judgment affirms that businesses might infringe the Act if they exchange confidential or strategic information with competitors, including information on future prices or pricing intentions.

#### Background

2. CNL Logistic Solutions Pte Ltd ("**CNL**") and Gilmon Transportation & Warehousing Pte Ltd ("**Gilmon**") provide warehousing services at Keppel Distripark. In an Infringement Decision dated 17 November 2022, CCS found that in June 2017, representatives from CNL and Gilmon communicated with two other warehouse operators about their intentions to impose an "FTZ Surcharge" at the same price as the largest warehouse operator. They subsequently used that information in negotiations with customers. All four warehouse operators later imposed the same FTZ Surcharge.
3. After a full investigation, CCS found that the four warehouse operators had infringed the Act and imposed financial penalties totalling SGD 2.8 million on these parties.

#### The CAB's Decision

4. In January 2023, CNL and Gilmon appealed against CCS's infringement decision. On 16 July 2025, the CAB allowed the appeal. Among other things, the CAB found that CCS had not adequately considered the economic context, including CNL and Gilmon's relatively small shares of the warehousing market in Keppel Distripark.

## **CCS's Appeal to the High Court**

5. CCS appealed against the CAB's decision on 30 July 2025. In its decision dated 30 June 2026, the High Court allowed CCS's appeal, set aside the CAB's decision, and reinstated CCS's finding that CNL and Gilmon had infringed section 34 of the Act.
6. The High Court held that CNL and Gilmon had exchanged information about their competitors' pricing strategies and intentions on whether they would impose the FTZ Surcharge. They used that information to persuade customers to accept the surcharge. The High Court rejected CNL's and Gilmon's argument that they lacked market power, finding that their conduct was not a casual conversation that had no impact on competition, but rather conduct that could help them overcome their individual weaknesses and secure customer acceptance of the price increase.
7. "The High Court's judgment is an important reminder that businesses must determine their pricing independently. Businesses should not coordinate with competitors or exchange confidential information about future prices or pricing intentions. Even businesses with relatively small market shares may infringe the Competition Act if they engage in such conduct. CCS will continue to take firm action against anti-competitive conduct to protect competition and consumers in Singapore," said CCS's Chief Executive, Mr Alvin Koh.

## **Reminder to Businesses**

8. Not all exchanges of information between competitors will harm competition. However, businesses should exercise particular care when the information is confidential or relates to a competitor's intended business strategy, including future prices or price changes. Such exchanges are more likely to raise competition concerns and may infringe section 34 of the Act.
9. Businesses should ensure that their employees understand what they may and may not discuss when interacting with competitors. A business may be exposed to significant financial penalties under the Act if its employees exchange confidential or strategic information with competitors. The High Court's judgment also makes clear that a relatively small market share may not shield a business from liability for anti-competitive conduct. If businesses have questions about whether their current exchanges of information might infringe the Competition Act, they should seek legal advice.

## **About the Competition and Consumer Commission of Singapore**

The Competition and Consumer Commission of Singapore (“**CCS**”) is a statutory board of the Ministry of Trade and Industry. Our mission is to make markets work well to create opportunities and choices for businesses and consumers in Singapore.

CCS administers and enforces the Competition Act 2004 and the Consumer Protection (Fair Trading) Act 2003, to guard against anti-competitive activities and unfair trade practices. Additionally, CCS ensures that businesses observe fair trade measurement practices by administering the Weights and Measures Act 1975 and ensures the supply of safe consumer goods by enforcing and implementing the Consumer Protection (Trade Descriptions and Safety Requirements) Act 1975 and its associated Regulations.

For more information, please visit [www.ccs.gov.sg](http://www.ccs.gov.sg).

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