International Journal of Economic Practices and Theories (IJEPT)
ISSN: 2247-7225
Volume 2026, Issue 1

Collective Dominance Under Indian Competition Law: A Comparative Legal and Policy Analysis with the United States, Canada and the European Union

Vasundhara Singh
Research Scholar, School of Law, Sushant University, Gurugram, Haryana – 122011

Dr. Priya A. Solanki
Professor & Dean, School of Law, Sushant University, Gurugram, Haryana – 122011

Dr. Shreya
Assistant Professor, School of Law, Sushant University, Gurugram, Haryana – 122011

Abstract

Collective dominance, also called joint dominance, occurs when two or more independent companies, without necessarily forming a cartel, have enough combined market power to control market conditions, limit competition, or impose unfair terms on consumers, suppliers, or rivals (Organisation for Economic Co-operation and Development [OECD],2012,pp 15-18). This concept is well-recognised under European Union competition law, especially through Article 102 of the Treaty on the Functioning of the European Union (Treaty on the Functioning of European Union [TEFU],2012, Art.102). However, Indian competition law has not explicitly included collective dominance as part of abuse of dominance under Section 4 of the Competition Act, 2002 (Competition Act,2002, S.4).

Section 4 of the Competition Act bans the abuse of a dominant position by an “enterprise or group”(Competition act, 2002, S.4) Nonetheless, the legal definition of “group” mainly relates to ownership, control, management, or shareholding ties, rather than to independent companies operating in an oligopolistic market. Consequently, Indian competition law currently recognises dominance only when exercised by a single enterprise or a legally recognised group, not when multiple independent firms collectively hold market power. Indian case law has consistently emphasised this restriction, including in rulings involving cab aggregators, e-commerce platforms, and the refined copper industry (Fast Track Call Pvt. Ltd.,2017, para.19-23; Samir Agarwal v. Competition Commission of India, 2021, para. 12-16). In 2025, the Competition Commission of India reaffirmed in the Hindalco–Vedanta copper supply case that collective dominance is not acknowledged under the current law (Airen Metals Private Limited v. Hindalco Industries Ltd.,2025, para.28-34) , and parallel conduct by two independent companies cannot be scrutinised under Section 4 unless one is individually dominant. (CCI dismisses abuse of dominance claims against Hindalco, Vedanta in copper supply market, 2025)

This paper studies the foundations of collective dominance in Indian competition law from conceptual, legal, and economic perspectives. It compares India’s approach to those of the United States, Canada, and the European Union. The U.S. generally dismisses liability based solely on oligopolistic interdependence or conscious parallelism unless there is clear evidence of agreement, conspiracy, monopolisation, or attempted monopolisation. Canada, however, uses a more adaptable statutory framework under Section 79 of the Competition Act, which considers whether “one or more persons” significantly or entirely control a market(Canada Competition Law, S.79). The European Union has developed a more sophisticated doctrine of collective dominance, recognising that two or more entities can jointly maintain a dominant position if structural links, economic interconnectedness, transparency, and retaliation mechanisms facilitate coordinated market behaviour.

The paper contends that India’s current legal framework leaves a gap in enforcement within oligopolistic markets, where firms are able to collectively change market conditions without explicitly colluding under Section 3 or being individually dominant under Section 4. It concludes with a suggestion for a nuanced statutory amendment, sector-specific enforcement guidelines, evidentiary safeguards, and an effects-based approach to addressing collective dominance in India.

Keywords: Collective dominance, joint dominance, abuse of dominance, Competition Act 2002, Section 4, oligopoly, tacit coordination, Indian competition law, comparative competition law, antitrust law.

1. Introduction

1.1 Context and Background

Competition law seeks to preserve market rivalry by preventing anti-competitive agreements, abuse of dominant positions, and mergers that could severely damage competition (Competition Act,2002). In India, the 2002 Competition Act replaced the 1969 Monopolies and Restrictive Trade Practices Act, shifting emphasis from monopolies to promoting healthy competition. The Competition Commission of India oversees and enforces these regulations, making sure businesses do not undermine market competition through collusion, barrier practices, exploitative conduct, or market foreclosure.

A major issue in contemporary competition law is managing oligopolistic markets. Here, a few firms are able to collectively impact supply, prices, output, access, or contractual arrangements (OECD,2012, pp.20-24) While they may not formally collude or form a cartel, their actions can resemble dominance or collusion. This raises the question of whether competition law should step in when independent companies exert market power in a coordinated manner.

The idea of collective dominance tackles this issue by conceding that a single company does not always hold dominance (Siciliani ,2019, pp.33-34). In highly concentrated markets, multiple firms may collectively hold significant market power and commonly operate independently of competitive pressures. The European Union has formalised this concept in Article 102 TFEU(TEFU, 2012, art.102).which bans abuse of a dominant position by “one or more undertakings. "

Indian competition law does not explicitly recognise collective dominance (Competition Act,2002, S.4) . Section 4 of the Competition Act, 2002, refers to abuse by an “enterprise or group,” but “group” is limited to control-based relationships and does not include independent firms in an oligopoly. Consequently, when multiple independent firms hold market power, Indian law typically tackles this through Section 3, which deals with anti-competitive agreements, rather than Section 4, which pertains to abuse of dominance.

1.2 Problem Statement and Research Significance

Under Indian law, the lack of collective dominance leaves a gap in doctrine and enforcement. Section 3 mandates some form of agreement, arrangement, understanding, or concerted action. Conversely, section 4 requires dominance by a single enterprise or a legally recognised group. Between these provisions exists a grey area: oligopolistic interdependence without a clear agreement and without individual dominance.

This gap becomes notable across sectors like digital markets, commodities, infrastructure, aviation, cement, telecom, ride-hailing, real estate, and natural resources, where market power may allow a few firms to act in a coordinated or mutually supportive way. If no single firm is dominant and no explicit agreement is evident, conduct that leads to exclusion or exploitation might avoid competition review.

The issue achieved prominence during the 2025 copper supply dispute involving Hindalco and Vedanta. Informants claimed that these two companies together possessed a substantial share of the refined copper market and imposed strict contractual terms amid supply shortages. The CCI dismissed these claims, stating that the Competition Act, 2002, does not recognise collective dominance and that there was no evidence to prove that either company was individually dominant. Additionally, the CCI noted that contractual clauses like de-pricing and loss recovery could be justified in a volatile commodity market. (India, 2025)

This paper is significant because it evaluates whether India should retain the present single-firm dominance model or adopt a carefully limited doctrine of collective dominance to address market concentration.

2. Research Objectives

2.1 Primary Objectives

1. To analyse the legal framework regarding dominance and abuse of dominance as specified in Section 4 of the Competition Act, 2002.
2. To assess whether Indian competition law acknowledges collective dominance.
3. To compare India's approach with those of the United States, Canada, and the European Union.
4. To assess judicial and regulatory rulings concerning collective dominance, oligopoly, and parallel conduct.
5. To identify enforcement gaps in Indian law concerning concentrated markets and tacit coordination.

2.2 Secondary Objectives

1. To analyse the conceptual differences among collective dominance, cartelisation, conscious parallelism, and common ownership.
2. To examine the economic basis of oligopolistic interdependence.
3. To evaluate how Section 3 and Section 4 contribute to managing coordinated market conduct.
4. To suggest legal and policy changes for Indian competition law.

3. Research Methodology

This study uses a doctrinal and comparative legal research approach, focusing on statutory interpretation, judicial decisions, regulatory orders, academic commentary, and analysis across several jurisdictions.

The research methodology includes:

- **Primary legal analysis:** Review of the Competition Act, 2002; Sherman Act; Canadian Competition Act; and Article 102 TFEU.
- **Case-law analysis**: Examination of Indian judgments including Fast Track Call Cab v. ANI Technologies, Samir Agrawal v. CCI, the Hindalco–Vedanta copper market case, and CCI v. Schott Glass India**.**
- **Comparative Legal Analysis:** Comparing India's Position with That of the United States, Canada, and the European Union**.**
- **Doctrinal interpretation:** involves analysing statutory terms such as "enterprise," "group," "dominant position," "agreement," and "one or more persons."
- **Policy analysis:** Assessing if India needs legislative reform to tackle oligopolistic market dominance.

4. Conceptual Framework of Collective Dominance

4.1 Meaning of Collective Dominance

Collective dominance occurs when two or more independent firms, despite being legally separate, can coordinate or act in a mutually reinforcing way to wield market power comparable to that of a single dominant firm. This situation does not necessarily involve an explicit cartel agreement. Instead, it can result from market factors such as transparency, high concentration, entry barriers, product similarity, multiple interactions, and retaliatory strategies.

Collective dominance is especially relevant in oligopolistic markets. In such markets, firms are aware of each other's pricing, output, investment, or supply decisions. This mutual awareness may lead to conscious parallelism, where firms behave similarly without express agreement. The challenge for competition law is to distinguish lawful oligopolistic interdependence from unlawful coordinated market power.

4.2 Collective Dominance, Cartelisation and Conscious Parallelism

Collective dominance must be distinguished from cartelisation. A cartel involves an agreement or arrangement among competitors to fix prices, limit output, allocate markets, or rig bids. Collective dominance, however, focuses on market power held jointly by firms and the abuse of that power.

Similarly, conscious parallelism occurs when firms independently take on similar market conduct after observing each other's behaviour. In many jurisdictions, conscious parallelism alone is not illegal unless accompanied by additional evidence of agreement, coordination, structural links, or anti-competitive effects.

5. Collective Dominance under Indian Competition Law

5.1 Statutory Position under Section 4

Section 4 of the Competition Act, 2002 bans the abuse of a dominant position by an enterprise or group. A dominant position is defined as a strong market status in India that allows an enterprise to act independently of competitive pressures or to influence competitors, consumers, or the market in its favour.

The term "enterprise or group" is key to this debate. Although the law uses the word "group," the statutory definition under the Act is limited and does not include independent businesses that only operate in the same market. It is based on control, ownership, management, or shareholding. Consequently, two separate companies cannot be considered a "group" just because they together maintain considerable market share.

The statutory limitation has resulted in the CCI and appellate authorities ruling that Indian law does not acknowledge collective dominance under Section 4.

5.2 Judicial and Regulatory Approach in India

5.2.1 Fast Track Call Cab v. ANI Technologies

In Fast Track Call Cab v. ANI Technologies, the CCI investigated claims about the app-based taxi industry. The informant argued that Ola and Uber exercised a combined dominance. However, the CCI rejected this, stating that the Competition Act does not recognise collective dominance (Fast Track Call cab Pvt. Ltd. v. ANI Technologies Pvt. Ltd.,2017, paras. 19-23) . It clarified that a market with two powerful competitors indicates rivalry unless there is evidence of an agreement or collusion, which would fall under Section 3 rather than Section 4.

This decision set an important precedent, establishing that dominance under Section 4 must be shown with regard to a single enterprise or a specifically defined group, rather than two separate enterprises.

5.2.2 Samir Agrawal v. Competition Commission of India

In Samir Agrawal v. CCI, allegations were filed against Ola and Uber concerning algorithmic pricing and price coordination. These claims were dismissed by the CCI, NCLAT, and Supreme Court. Notably, the NCLAT emphasised that Ola and Uber, as separate entities, cannot be considered collectively dominant since the Competition Act does not acknowledge collective dominance (Samir Agarwal v. Competition Commission of India,2021, paras.12-16)

This case is also important for algorithm-based markets, demonstrating that Indian law currently manages coordination among independent firms via Section 3, but does not regulate collective dominance under Section 4.

5.2.3 Hindalco–Vedanta Copper Supply Market Case

The Hindalco–Vedanta case is among the latest and most significant Indian rulings on collective dominance. The informants claimed that Hindalco and Vedanta together held about 75% of the refined copper market and applied unfair terms during the COVID-19 period, such as de-pricing clauses, invoking bank guarantees, and liquidation conditions. (Hindalco Reports Consolidated First Quarter FY2025 Results, 2024)

The CCI dismissed the claim of collective dominance, clarifying that the Competition Act does not acknowledge such a concept and that neither Hindalco nor Vedanta was found to be individually dominant(Airen Metal Private Limited v. Hindalco Industries Limited,2025, para.28-34) . The Commission also determined that the contested

contractual terms were justified on commercial grounds, given that copper is a commodity affected by international price fluctuations. It concluded that de-pricing and loss recovery clauses serve as risk-management tools rather than unfair conditions under Section 4.

The ruling affirms that, based on current Indian legislation, even a significant combined market share alone does not activate Section 4 unless dominance by a single entity is established.

5.3 Effect-Based Analysis after CCI v. Schott Glass India

The Supreme Court's 2025 ruling in CCI v. Schott Glass India is key for understanding abuse of dominance in India. The Court clarified that Section 4 does not ban dominance directly; instead, it targets only abuse of dominance. Additionally, it emphasised that an analysis centered on the effects remain essential in such cases and that depending exclusively on formal or technical classifications of conduct is inadequate. "Effects-Based" Necessity and Due-Process Primacy under Section 4 of the Competition Act. (CCI v. Schott Glass India Pvt. Ltd.,2025,para. 45-52).

The Court acknowledged that components such as business justifications, efficiency gains, volume-based rebates, commercial needs, and the lack of foreclosure effects can be relevant in assessing whether conduct is abusive.This ruling is significant for collective dominance because, even if India adopts the concept in the future, liability shouldn't be based solely on a high combined market share. Instead, there must be evidence of anti-competitive effects, market harm, or exclusionary and exploitative impacts.

6. Comparative Legal Framework Analysis

Table 1: Comparative Framework on Collective Dominance

Primary law	Competition Act, 2002	Sherman Act, Clayton Act, FTC Act	Competition Act	Article 102 TFEU
Recognition of collective dominance	Not expressly recognised	Generally rejected unless agreement, conspiracy, or monopolisation is proved	Potentially recognised through "one or more persons" under Section 79	Expressly recognised through "one or more undertakings"
Focus of abuse provision	Enterprise or statutory group	Monopolisation or attempted monopolisation	One or more persons controlling a market	One or more undertakings holding dominance
Treatment of parallel conduct	Usually examined under Section 3 if agreement exists	Conscious parallelism alone insufficient	Parallel conduct alone insufficient, but coordinated behaviour may be relevant	May support collective dominance if structural conditions exist
Evidentiary standard	Individual dominance required under Section 4	Proof of monopoly power and exclusionary conduct or agreement	Market control, anti-competitive acts, substantial lessening/prevention of competition	Transparency, coordination sustainability, retaliation, lack of competitive constraints
Policy orientation	Formal statutory limitation	Skeptical of oligopoly liability without agreement	Flexible but cautious	Most developed collective dominance doctrine

7. United States: Rejection of Collective Dominance

7.1 Legal Framework under Sherman Act

The United States does not recognise collective dominance in the same way as the European Union. Section 2 of the Sherman Act addresses monopolisation, attempts to monopolise, and conspiracy to monopolise. Its primary focus is on unilateral actions by a firm that has or threatening to gain monopoly power.

When two or more firms coordinate, the issue is typically analysed under Section 1 of the Sherman Act, which addresses agreements, combinations, or conspiracies that restrain trade. Consequently, US antitrust law differentiates between unilateral monopoly power under Section 2 and coordinated actions under Section 1(Sherman Antitrust Act 1890, S.2)

7.2 Conscious Parallelism and Judicial Skepticism

US judges typically do not hold firms liable for conscious parallelism alone. While oligopolistic companies may monitor and react to each other's actions, such behaviour is not inherently illegal unless supported by evidence of agreement or conspiracy. Consequently, US antitrust law tends to be cautious about penalising firms for rational, interdependent conduct in concentrated markets.

This approach raises a concern that conceding collective dominance lacking concrete proof of agreement could turn lawful oligopolistic practices into illegal ones and might generate uncertainty for businesses.

8. Canada: Flexible Recognition of Joint Dominance

8.1 Section 79 of the Canadian Competition Act

Canada applies a more adaptable statutory framework. Section 79 of the Canadian Competition Act applies when "one or more persons" significantly or entirely control a particular class or type of business across Canada or in any part of the country. This wording Ais sufficiently broad to encompass joint or collective market control (Competition Act, R.S.C. 1985, S.79)

The Canadian framework therefore differs from India because it does not restrict abuse of dominance only to a single firm or ownership-linked group. It permits the possibility that more than one person or enterprise may collectively control a market.

8.2 Competition Bureau Guidelines

The Canadian Competition Bureau's Abuse of Dominance Enforcement Guidelines specify that similar or parallel conduct alone does not prove joint dominance (Competition Bureau Canada,2024, pp. 8-10). Nonetheless, coordinated actions between firms can be important when evaluating if they are jointly dominant and if their behaviour considerably restricts competition.

Examples of facilitating practices in concentrated markets may include:

1. Pre-announcement of price increases.
2. Publication of detailed price lists.
3. Most-favoured-nation clauses.
4. Meet-or-release clauses.
5. Contractual practices that reduce incentives to compete.

Canada's approach is thus prudent yet more receptive than India's. It recognizes the potential for joint dominance but demands evidence beyond simple parallel conduct.

9. European Union: Developed Doctrine of Collective Dominance

9.1 Article 102 TFEU

Article 102 TFEU prohibits abuse of a dominant position (TFEU, 2012, art. 102) by “one or more undertakings”. This phrase has enabled EU courts and the European Commission to recognise collective dominance. The doctrine applies where legally independent undertakings are linked so that they adopt a common market policy or are able to act collectively to a significant extent, independently of competitors, customers, or consumers.

9.2 The Airtours Test

The Airtours case is central to collective dominance analysis in EU law. The General Court identified conditions relevant to tacit coordination and collective dominance (Airtours plc v. Commission,2002, paras. 60-63):

1. **Market transparency:** Firms must be able to monitor each other’s conduct.
2. **Sustainability of coordination:** There must be mechanisms to deter deviation.
3. **Lack of competitive constraints:** Competitors and consumers must be unable to undermine coordinated conduct.

These factors seek to prevent over-enforcement by making sure that collective dominance isn't concluded solely based on market concentration. Instead, they focus on structural conditions that make coordination probable and sustainable.

9.3 Abuse of Collective Dominance

EU law differentiates between the presence of collective dominance and its abuse. Simply being dominant is not illegal; liability only occurs if firms possessing collective dominance perform abusive behaviours like excessive pricing, refusal to deal, exclusionary tactics, discriminatory terms, or market foreclosure. This distinction matters for India. If India decides to acknowledge collective dominance, it must verify that liability is based not only on collective market share as well as on proven abuse and anti-competitive consequences.

10. Case Study Analysis

Table 2: Case Studies on Collective Dominance and Parallel Conduct

Fast Track Call Cab v. ANI Technologies	India	Alleged collective dominance of Ola and Uber	Rejected	CCI held collective dominance not recognised under Indian law
Samir Agrawal v. CCI	India	Algorithmic pricing by Ola and Uber	Rejected	Independent enterprises cannot be treated as collectively dominant
Hindalco–Vedanta Copper Case	India	Alleged joint dominance in refined copper market	Rejected	CCI reaffirmed that Section 4 does not recognise collective dominance
CCI v. Schott Glass India	India	Abuse of dominance and discriminatory discounts	CCI order set aside	Supreme Court required effects-based analysis under Section 4
Airtours v. Commission	European Union	Collective dominance in merger control	Commission decision annulled	Established transparency, retaliation, and competitive-constraint test
Compagnie Maritime Belge	European Union	Collective dominance in shipping	Recognised	Independent firms may collectively hold dominance

US conscious parallelism cases	United States	Parallel pricing in oligopoly	Generally insufficient	Agreement or conspiracy required

11. Enforcement Issues in India

11.1 Statutory Gap

The main issue is statutory, as Section 4 does not explicitly mention collective dominance. Unless Parliament amends this provision, the CCI is unlikely to consider independent enterprises as collectively dominant.

11.2 Overdependence on Section 3

Coordination between independent firms is typically analysed under Section 3. However, proving an agreement, arrangement, understanding, or concerted action is necessary under this section. In situations involving implicit coordination or oligopolistic interdependence, demonstrating such proof can be challenging.

11.3 Difficulty in Proving Tacit Coordination

Tacit coordination occurs free of explicit communication. Firms may harmonize their actions through market signals, price announcements, public disclosures, algorithmic pricing, or ongoing interactions. Conventional enforcement methods based on evidence might not detect such behaviour. (Siciliani, 2019, pp.32-34)

11.4 Risk of Over-Enforcement

Recognising collective dominance without proper safeguards might unjustly punish legitimate competitive actions. In oligopolistic markets, companies frequently react logically to each other's behaviour. Not every simultaneous price hike or similar contractual condition is inherently anti-competitive.

11.5 Need for Effects-Based Analysis

Following the Supreme Court's decision in Schott Glass, Indian competition law is moving towards effects-based analysis. Any future doctrine of collective dominance must therefore require proof of market harm, foreclosure, exploitative effects, or reduced competitive constraints. (Board, 2025)

12. Policy Arguments For and Against Recognising Collective Dominance in India

12.1 Arguments in Favour

1. It would close the enforcement gap between Section 3 and Section 4.
2. It would target oligopolistic markets where no individual firm holds dominance.
3. It would enhance regulation for digital services, commodities, and infrastructure sectors.
4. It would stop companies from sidestepping responsibility by keeping their market shares below the levels that define individual dominance.
5. This would bring Indian law into conformity with the approaches used by the EU and Canada.

12.2 Arguments Against

1. It may create uncertainty among businesses.
2. It might penalise lawful conscious parallelism.
3. It might coincide with the cartel enforcement in Section 3.
4. It could lead to more false positives and excessive regulatory actions.
5. Administering it might be challenging without solid economic evidence.

13. Recommendations and Policy Implications

13.1 Statutory Amendment to Section 4

India might revise Section 4 to address abuse by “one or more enterprises” or by “enterprises collectively holding a dominant position.” This change would correspond Indian law more closely with Article 102 TFEU and Section 79 of the Canadian Competition Act.

13.2 Narrow Definition of Collective Dominance

The law should define collective dominance narrowly. It should not apply merely because firms have high combined market share. It should require:

1. High market concentration.
2. Market transparency.
3. Ability to monitor rivals.
4. Retaliatory or disciplining mechanisms.
5. Entry barriers.
6. Weak countervailing buyer power.
7. Evidence of anti-competitive effects.

13.3 CCI Guidelines on Oligopolistic Markets

The CCI should publish guidelines outlining its approach to evaluating collective dominance, tacit coordination, parallel conduct, and facilitation practices. These guidelines need to clearly differentiate between lawful conscious parallelism and illegal coordinated market behaviour.

13.4 Effects-Based Test

Collective dominance should not be considered a violation by default. Responsibility should only be assigned when the conduct results in or is likely to result in significant harm to competition, consumers, competitors, or the market structure.

13.5 Sector-Specific Monitoring

The CCI should prioritise sectors where collective market power is likely to arise, such as:

- Digital channels
- Cement and steel
- Telecommunications
- Aviation
- Ride-hailing
- Pharmaceuticals
- Commodities
- Infrastructure and natural resources

13.6 Procedural Safeguards

To prevent over-enforcement, the CCI should base its decisions on solid economic evidence, market studies, expert analysis, and include cross-examination when needed, all while preserving transparent reasoning. The Supreme Court’s focus on due process and effects-based analysis in Schott Glass should serve as an illuminating principle for future enforcement efforts.

14. Limitations of the Study

This study has some limitations. Firstly, Indian law has not yet officially recognised collective dominance, so the analysis mainly depends on judicial refusals and comparative law. Secondly, there is a scarcity of Indian empirical data on tacit coordination in oligopolistic markets. Thirdly, the comparison is limited to the United States, Canada, and the European Union. Lastly, the study does not include econometric analysis of market concentration or pricing behaviour.

15. Conclusion

Collective dominance remains an important unresolved issue in Indian competition law. While the Competition Act, 2002, addresses abuse of dominance by a single entity or a designated group, it does not account for dominance exercised jointly by independent firms. Indian authorities have repeatedly stated that collective dominance falls outside the scope of Section 4. This position has been confirmed in cases involving Ola and Uber, as well as the recent Hindalco–Vedanta copper market dispute.

The comparative analysis shows that different jurisdictions use various methods. The United States is cautious about collective dominance, typically demanding evidence of agreement, conspiracy, or monopolisation. Canada uses a more pliable approach with the phrase "one or more persons" in Section 79 of its Competition Act. The European Union has established the most advanced doctrine of collective dominance, principally through Article 102 TFEU and important cases like Airtours and Compagnie Maritime Belge.

India has to carefully balance enforcement with legal transparency. Fully rejecting collective dominance could cause insufficient regulation of oligopolistic market power, while unqualified recognition might unfairly penalise legitimate market practices. Hence, India should pursue a balanced reform that explicitly acknowledges collective dominance only when structural conditions, coordinated conduct, and anti-competitive impacts are well-established.

The future of Indian competition law should reach beyond mere formal classifications such as single-firm dominance or explicit agreements. As markets become more concentrated—spurred because of algorithms and growing interdependence—competition law must evolve. It ought to address collective market power while protecting fairness, predictability, and economic efficiency.

References

Cases

1. Airtours plc v. Commission, Case T-342/99 (2002).
2. Airen Metals Private Limited v. Hindalco Industries Limited, Case No. 31 of 2024, Competition Commission of India (2025).
3. Competition Commission of India v. Schott Glass India Pvt. Ltd., 2025 INSC 668 (India).
4. Fast Track Call Cab Pvt. Ltd. v. ANI Technologies Pvt. Ltd., Case Nos. 6 & 74 of 2015, Competition Commission of India (2017).
5. Samir Agrawal v. Competition Commission of India, Civil Appeal No. 3100 of 2020, Supreme Court of India (2021).
6. Compagnie Maritime Belge v. Commission, Joined Cases C-395/96 P & C-396/96 P (2000).

Statutes

1. Competition Act, 2002 (India).
2. Competition Act, R.S.C. 1985, c. C-34 (Canada).
3. Sherman Antitrust Act, 15 U.S.C. §§ 1–2 (1890).
4. Treaty on the Functioning of the European Union, 2012 O.J. C 326/47.

Reports & Articles

1. Competition Bureau Canada. (2024). *Abuse of dominance enforcement guidelines*.

2. Organisation for Economic Co-operation and Development (OECD). (2012). *Competition and commodity price volatility*.
3. Siciliani, P. (2019). Tackling algorithmic-facilitated tacit collusion in a proportionate way. *Journal of European Competition Law & Practice, 10*(1), 31–42. https://doi.org/10.1093/jeclap/lpy051