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Case Comment: Workload Division after the *Si.mobil* and *easyJet* Rulings of the General Court*Catalin S Rusu**

I. INTRODUCTION

In December 2014 and January 2015 the General Court has handed down two interesting rulings, both entailing applications for annulment of Commission decisions rejecting complaints relating to alleged infringements of the EU competition law rules: *Si.mobil* and *easyJet*.¹ On these two occasions, the General Court took on the opportunity to interpret certain provisions of Regulation 1/2003,² which impact the manner in which competition law cases are allocated to the most appropriate investigating authority, and essentially the manner in which the European Network of Competition Authorities (ECN) functions. It is interesting to study these two judgments especially since neither Regulation 1/2003, nor the Network Notice³ lay down specific rules governing the allocation of powers as between the Commission and the competition authorities of the Member States (NCAs)⁴. In this respect, some sort of clarification of this matter may be regarded as welcomed. Still, the question that may be raised here is whether the two rulings under discussion have brought about added value regarding how the correct workload division within the ECN may be conceived. Basically, the General Court seems to have focused the core of its analysis on the requirements that need to be met for the Commission to be able to reject a complaint on grounds that another NCA is dealing with or has already dealt with the case. The discussions below aim to shed light on the matter of the much desired clarity relating to work sharing within the ECN, while also delving into the consequences that these rulings create for the Commission, the NCAs and domestic judges, and last but not least, the complainants.

II. THE BASICS OF CASE ALLOCATION AND WORKLOAD DIVISION

Before diving in the *Si.mobil* and *easyJet* cases analysis, a brief incursion in the basics of case allocation seems appropriate. By now, it is common ground that by virtue of Article 3 of Regulation 1/2003, domestic authorities (NCAs and courts) must apply Article 101 and 102 TFEU when they apply domestic laws to agreements and conducts

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¹ Case T-201/11 *Si.mobil v. Commission*, ECLI:EU:T:2014:1096 and Case T-355/13 *EasyJet Airline v. Commission*, ECLI:EU:T:2015:36.

² Regulation 1/2003 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty, OJ L 1, 4.01.2003.

³ Notice on cooperation within the network of competition authorities, OJ C 101/43, 27.04.2004.

⁴ See also *Si.mobil*, par. 37.

which may affect trade between Member States. This is framed as an obligation, which must be conceived in the context of the close cooperation between the respective authorities,⁵ and also in the context of the system of parallel competences⁶ of enforcement of EU competition law rules, within the ECN and by domestic courts. In this respect, Article 5 of Regulation 1/2003 endows NCAs with certain powers, necessary for the coherent enforcement of the rules in question: requiring the infringement be brought to an end, ordering interim measures, accepting commitments, imposing fines, and taking a decision that there are no grounds for action, if due to lack of information, the conditions for prohibition are not met. The decentralization effect of Regulation 1/2003 was meant to lead to the creation of a level playing field in the Internal Market, and also to a great degree of substantive convergence of domestic competition laws, whereas Articles 101 and 102 TFEU were to become the law of the land in the context of competition law enforcement in the Member States.⁷ However, even despite the assumable far-reaching impact of domestic courts being able to apply Article 101(3) TFEU, the powers of domestic authorities have been considerably undercut by the CJEU's ruling in *Tele2Polska*.⁸ According to this ruling, in light of the need of uniform application of the EU competition law rules, Article 5 of Regulation 1/2003 is to be interpreted as restrictively defining the decisions which the domestic authorities may take: i.e. domestic authorities may not adopt negative decisions regarding infringements of these EU law rules.

If this is the case, it is of paramount importance for complainants to know exactly where to file their complaints. This is significant because once a case is allocated to a specific authority, its reallocation should be perceived as the exception rather than the rule. Furthermore, given the particularities of each case, filing a complaint with the 'wrong' authority may result in unwanted consequences for the complainant. The choices available may be categorized as follows: filing a complaint with a public enforcer (Commission or NCA), which *may* take on the case, and/or initiating proceeding before domestic courts, given the direct applicability of Article 101 and 102 TFEU. It is evident that these two choices pertain to different underlying goals/motivations that an aggrieved party may have (establishing an infringement, obtaining injunctions, remedies, etc). As far as complaining to a public enforcer is concerned, given that a case may be investigated by a single authority or by several authorities acting in parallel, the Commission points out that it is important for complainants to file their complaint with the authority most likely to be well placed to deal with the case.⁹ The concept of well-placed authority is therefore key to solving the puzzle. Paragraphs 8 and 9 of the Network Notice indicate that for a NCA to be

⁵ Regulation 1/2003, Articles 11 and 12.

⁶ See A. Jones and B. Sufrin, *EU Competition Law. Text, Cases and Materials*, 5th ed, Oxford, Oxford University Press, 2014, p. 1051.

⁷ See also Commission Communication: Ten Years of Antitrust Enforcement under Regulation 1/2003: Achievements and Future Perspectives, COM(2014) 453, par. 23.

⁸ Case C-375/09 *Tele2Polska*, ECLI:EU:C:2011:270.

⁹ Commission Notice on the handling of complaints by the Commission under Articles 81 and 82 of the EC Treaty, OJ C 101, 27.04.2004, par. 21.

viewed as such, a material link between the infringement and the territory of the respective Member State must exist. This link is materialized by fulfilling three cumulative conditions: substantial direct actual or foreseeable effects on competition within that territory; the ability to effectively bring to an end and adequately sanction the entire infringement; the ability to gather the evidence required to prove the infringement.

While the Network Notice provides further guidelines on how a case should be reallocated,¹⁰ Regulation 1/2003 details what grounds may be used in order for an authority to suspend proceedings or reject complaints. Essentially, for the purpose of having each case preferably dealt with by a single authority, according to Recital 18 and Article 13 of this Regulation, an authority may take the above-mentioned actions if another authority is dealing with or has already dealt with the case. Furthermore, the Commission may reject a complaint for lack of EU interest, even if no other competition authority has indicated its intention of dealing with the case. This is where the analysis of the *Si.mobil* and *easyJet* cases should commence.

III. THE DISPUTES AND THE COMMISSION'S DECISIONS TO REJECT THE COMPLAINTS IN *SI.MOBIL* AND *EASYJET*

In *Si.mobil* the contested decision relates to the Commission's rejection of a complaint alleging the infringement of Article 102 TFEU, on grounds that the Slovenian Competition Authority (UVK) was already dealing with the case. The General Court dismissed all the arguments formulated by the applicant, among which the following seem quite interesting: the Commission was actually better placed than UVK to deal with the case; the Commission failed to apply the *Automec*¹¹ balancing test to ascertain if there is sufficient EU interest in investigating the case, before it rejected the complaint forwarded to it.

Regarding the former, the General Court recalls that neither Recital 18 and Article 13 of Regulation 1/2003, nor the Network Notice lay down rules governing the allocation of powers between the Commission and NCAs, this resulting in a broad discretion on their behalf in ensuring that cases are dealt with by the most appropriate authority.¹² In this respect, the consultations and exchanges between these authorities do not create individual rights and expectations for companies to have a case dealt with by a specific authority. This is so even if the Commission would have been best placed to deal with the case.¹³ Regardless, when deciding to reject a complaint, the Commission cannot be obliged to verify whether the NCA has the institutional, financial and technical means to enable it to accomplish the task entrusted to it by, and generally speaking the objectives of Regulation 1/2003, namely the effective application of the EU competition rules. This seems reasonable, since these institutional, financial and technical aspects are not matters of EU law, but rather of domestic law, while the

¹⁰ Network Notice, par. 18-19.

¹¹ Case T-24/90 *Automec v. Commission*, ECLI:EU:T:1992:97.

¹² Case C-17/10 *Toshiba Corporation and Others*, ECLI:EU:C:2012:72, par. 90.

¹³ *Si.mobil*, par. 37-40.

domestic authorities are bound only by the obligation not to frustrate the effective compliance with the Regulation's provisions.¹⁴ However, one may recall that the 2014 Commission Communication¹⁵ dwells specifically on these matters, while calling for a strengthened institutional positioning of NCAs. Nevertheless, the General Court engaged in an analysis of why the Commission was rightful when finding that the UVK was sufficiently well placed to handle the problem.¹⁶

Regarding the latter, one may recall the *Automec* 'rule' which provides that the Commission must weigh up the significance of the alleged infringement regarding the functioning of the Internal Market, against the probability of establishing the existence of the infringement, and the extent of the necessary investigative measures.¹⁷ If at the end of the day there is no EU interest in pursuing the case, the Commission may reject the complaint, without needing to go as far as adopting a final decision on the existence or non-existence of an infringement. This is a specific ground for the Commission to do so, which is built both on Recital 18 of Regulation 1/2003 and on Article 105 TFEU. These provisions read in conjunction give the Commission, in the context of defining and implementing the orientation of EU competition policy, the latitude to confer differing degrees of priority to the complaints it receives, with a view to the EU interest. This latitude is circumscribed by the Commission being obliged to consider attentively all the factual and legal matters brought to its attention, while taking into account the circumstances of each individual case.¹⁸ In this context, the Commission may for example, in its assessment of whether there is EU interest, take account of the measures adopted or which may be adopted by NCAs.¹⁹ Either way, one must appreciate that establishing the existence of EU interest may very well be a difficult task to complete in practice, entailing sensitive evaluations and judgment calls. Finally, the degree of discretion mentioned above is quite wide since the judicial review performed by the General Court cannot result in it substituting its own assessment of EU interest for that of the Commission.²⁰

In *easyJet* the contested Commission decision related to rejecting a complaint regarding an alleged infringement of Article 102 TFEU, which has already been dealt with by the Dutch Competition Authority (at that time the NMa, nowadays the ACM). To be more precise, the NMa rejected *easyJet*'s complaints on priority grounds and while performing an investigation under the domestic air navigation laws.

In contrast to the *Si.mobil* ruling, in *easyJet* the General Court did not engage in an in-depth analysis of whether the Commission or the NMa were the best placed authorities to deal with the case and whether the Commission rightfully rejected the complaint for lack of EU interest, although these discussions indirectly creep in the *easyJet* ruling

¹⁴ Regulation 1/2003, Article 35, par. 1.

¹⁵ *Supra* n. 7, par. 26-29.

¹⁶ *Si.mobil*, par. 57-67.

¹⁷ *Automec*, par. 23.

¹⁸ *Si.mobil*, par. 81-84.

¹⁹ Case T-432/10 *Vivendi v. Commission*, ECLI:EU:T:2013:538, par. 26.

²⁰ *Si.mobil*, par. 85.

too.²¹ Instead, the General Court looks at whether the solutions reached in the domestic ambit confer sufficient grounds for the Commission to adopt a rejection decision. With regard to a NCA rejecting a complaint for priority reasons, the matter to be discussed relates to the intensity of the review performed in the domestic ambit. Contrary to the applicant's claim, what matters is not the type of, or the actual existence of a decision reached by the NCA²² *per se*, but the fact that a review has been performed. This stems from a literal interpretation of Article 13, par. 2 of Regulation 1/2003, which essentially refers to rejecting all cases of complaints that have been examined by another NCA, without restrictively limiting the provision's scope to cases where NCA decisions have been adopted. This also results from observing the powers conferred by Article 5 of Regulation 1/2003 to NCAs, among which deciding that there are no grounds for action is a valid choice, if the conditions of prohibition are not met. Furthermore, in light of the general scheme and objectives of Regulation 1/2003, if the Commission may choose not to pursue a case on grounds of lack of EU interest, the General Court sees no reason why the Commission should not be able to follow the same approach when an NCA finds no priority reasons to tackle that case.²³ After all, any other interpretation would result in an ineffective use of resources within the ECN, due to duplication of work and incentivizing the filing of multiple complaints.²⁴

However, when it comes to the type of review that the NCA performs, in relation to tackling a case under domestic laws other than competition law, some caution must be exercised. First, before rejecting the complaint, the Commission must be satisfied that the analysis performed by the NCA under the domestic air navigation laws for example, is in keeping with the review conducted in light of the EU competition law rules.²⁵ However, it is not the Commission's task to rule on the arguments and findings set out, and methodology used by the NCA, neither the General Court's prerogative to appraise the methodology used by, and to review the legality and the merits of the NCA's decision.²⁶ These are matters for the national courts to handle. Similarly, for the purpose of the discussion provided in the alinea above, it is the national court that has the power to review the NCA's decision of rejecting a complaint on priority grounds. The Commission and the General Court do not have any mechanisms to this effect and should therefore not impinge on the role of national courts, which indeed have an essential role to play in applying the EU competition law rules.²⁷

²¹ *easyJet*, par. 28 and 36.

²² *Ibid*, par. 33 and 37.

²³ *Ibid*, par. 28.

²⁴ *Ibid*, par. 37.

²⁵ *Ibid*, par. 46.

²⁶ *Ibid*, par. 47, 51 and 57.

²⁷ *Ibid*, par. 20 and 39. See also Recital 7 of the Commission Proposal for a Council Regulation on the Implementation of the Rules on Competition Laid Down in Articles 81 and 82 of the Treaty, COM (2000) 582 final.

IV. HOW TO INTERPRET THE NOTION ‘TO DEAL WITH A CASE’?

The *Si.mobil* and *easyJet* rulings both relate the question of what does the notion ‘to deal with a case’ mean. The analysis may be devised on two threads, namely: when can one argue that a case is being dealt with by another authority (Article 13, par. 1 of Regulation 1/2003 - *Si.mobil*) and when that the case has already been dealt with by another authority (Article 13, par. 2 of Regulation 1/2003 - *easyJet*)? However, as a general rule both these settings relate to two essential elements – a) the complaint concerning the same case and b) a review of this case being performed, regardless if a final decision has or has not been adopted.

This setup is confirmed in paragraph 33 of the *Si.mobil* ruling, which provides the basic rule: in order to reject a complaint, the Commission must be satisfied that a NCA ‘is dealing with’ the case that has been referred to the Commission and, second, the case relates to ‘the same agreement, decision of an association or practice’. Paragraph 34 of the same ruling adds that the application of Article 13, par. 1 of Regulation 1/2003 cannot be subject to any further conditions.

Let’s start with the latter element, namely ‘the case’: essentially the Commission must check whether the complaint it received relates to the same alleged infringements, on the same markets, within the same timeframe. In other words, the Commission is faced with the same practice as that which is being dealt with by a NCA.²⁸ What counts for Article 13, par. 1 (and par. 2 for that matter) of Regulation 1/2003 to apply is that the complaint and the domestic case relate to the same factual matrix, irrespective of the complainant’s interpretation of the subject matter.²⁹

Regarding the former, namely ‘is dealing with...’ or ‘has dealt with...’, the General Court’s interpretation in *Si.mobil* and *easyJet*, seems to point to the fact that some sort of review is necessary in the domestic ambit, for the requirement of the notion ‘to deal with’ to be met. This interpretation stems from paragraph 48 of the *Si.mobil* ruling, where the General Court states that the expression ‘to deal with’ cannot simply mean that a NCA has received a complaint or it has taken steps on its own initiative in relation to a case, since these constitute acts which prove neither the use by the NCA of its powers, nor an examination of the relevant facts and points of law in the case in question. In the same vein, paragraph 29 of the *easyJet* ruling provides, with a reference to paragraph 20 of the Network Notice, that ‘dealing with a case’ does not merely mean that a complaint has been lodged with another authority. To this end, the General Court regards a follow-up on behalf of the NCA as necessary. If that were not the case in practice, should the Commission reject the complaint it receives, it would fail to fulfill the general supervisory role entrusted to it by Article 105(1) TFEU. What follows from this point on seems to relate to the intensity of the review performed in domestic ambits. Reading the *Si.mobil* and *easyJet* ruling together, it seems that the Commission must meet a rather low threshold. This is so given that, as pointed out in the previous section, the Commission and the General Court may not rule on the legality and merits

²⁸ *Si.mobil*, par. 68, 69 and 73.

²⁹ *Ibid*, par. 75 and 76.

of the NCA decision, as well as on the procedures and methodology used. Neither is the Commission expected to verify the NCA's institutional, financial and technical features. What is more, Article 13(2) of Regulation 1/2203 is not even conditioned by a NCA decision being adopted. If a decision is adopted, this may be done even based on domestic laws other than competition law, if the analysis performed is in keeping with the EU competition law rules. In the same line of reasoning, NCA rejections on priority grounds will also suffice for the Commission to conclude that a case has been dealt with. The bottom line is that in all these settings Article 13 of Regulation 1/2003 does not require the Commission to carry out an assessment as to whether the approach adopted by the NCA is well founded. What will do, is the Commission being satisfied that the NCA is/was engaged in an (active) investigation.³⁰

V. IMPLICATIONS

If the two-prong test discussed above results in the Commission being satisfied that the case is or was dealt with, this will amount to 'sufficient grounds' on which a complaint referred to it may be rejected.³¹ What is remarkable is that the General Court felt the express need to state that this is a 'new ground', stemming from Recital 18 of Regulation 1/2003, which enables the Commission and the NCAs to reject a complaint. This ground is different than the ground based on lack of EU interest as discussed in *Automec*.³² What this means, is that when the Commission, rejects a complaint based on Article 13 of Regulation 1/2003, it will not have to engage anymore in the cumbersome process of balancing the EU significance of the alleged infringement against the probability of, and resources necessary for establishing the infringement. This conclusion is important since it creates important consequences for various categories of interests.

First, the Commission seems to have received an unexpected gift from the General Court. Since a choice is provided for the grounds that may be used in order to reject a complaint that is being or has been dealt with, proving the presence or absence of EU interest becomes less important. Actually, the *Automec* 'test' becomes unnecessary, if a NCA is or was actively doing the work. The Commission will obviously have to meet an easier burden in proving that a case is being or has already been dealt with, since it will be able to fully rely on the ECN methods of cooperation and support, while receiving a great deal of the evidence it will need to meet its burden, from the actual NCA that is or was actively investigating the alleged infringement. Viewed from this standpoint, the outcome of *Si.mobil* and *easyjet* seems to confer the Commission a *carte blanche*, or better yet more breathing room and freedom of choice, when deciding whether or not to take on a case. Furthermore, it seems to me that this *carte blanche* may be perceived as coming with a hidden invitation for the Commission to defer even more to the analysis performed by domestic authorities, thus further empowering these authorities. This may easily result in the domestic authorities handling important cases,

³⁰ *Ibid*, par. 49-52.

³¹ *Ibid*, par. 33.

³² *Ibid*, par. 41.

some of which that may even border the existence of EU interest, after all. In the event that the Commission will feel that the domestic authorities are getting the job done appropriately, after *Si.mobil* and *easyJet* it can simply defer to the analysis performed in domestic ambits. After all, according to paragraph 44 of the Notice on Handling of Complaints,³³ the Commission can reject a complaint on the ground that the complainant can bring an action to assert its rights before national courts. If on the other hand, the Commission will feel that EU interest is indeed at stake (primarily only in cases with particular political, economic or legal significance for the EU),³⁴ it may always engage in an *Automec* type of analysis, which is still good law, and initiate proceedings. This will result in the application of the powerful tool the Commission has at its disposal virtue of Article 11(6) of Regulation 1/2003, namely relieving the NCAs of their power to apply Articles 101 and 102 TFEU for that given case, even if the case has already been allocated to a particular NCA. The outcome of this setting, although rarely envisioned by the Network Notice, would entail the Commission fully taking on its shoulders the duty embedded in Article 105 TFEU.

The discussion above brings me to my second point, namely the implications of the *Si.mobil* and *easyJet* for the domestic authorities, Courts and NCAs. In my opinion, these two rulings send the message that more trust should be placed on the workings of the ECN by all authorities concerned, and particularly this trust should exist with regard to the work done in other jurisdictions. To be more precise, if *Si.mobil* and *easyJet* establish a lower threshold for rejecting a complaint, it seems inevitable that the solutions reached in another domestic jurisdiction should be taken at face value. After all, the domestic authorities in question apply the same substantive rules (Articles 101 and 102 TFEU if the trade between member States is impacted), although in different procedural realms. This approach goes along the same lines as the latest trends regarding the enforcement of EU competition rules. I am referring here to the provisions of Article 9(2) of the Directive on Actions for Damages,³⁵ which essentially states that final decisions of NCAs from other jurisdictions may, in accordance with national law, be presented before national courts as at least *prima facie* evidence that an infringement of competition law has occurred. If this is the case, while accepting the decisions taken in other jurisdictions (European or domestic), (even those relating to rejections of priority grounds, on lack of EU interest, on the basis of the case being already dealt with, or when the assessment has been done based on laws other than competition law, but consistent with the latter) the concerned domestic authorities should not fear a problem of extraterritoriality. This is because, similar to the theory of domestic judges acting as European judges when they apply EU law,³⁶ so should NCAs

³³ *Supra* n. 9.

³⁴ See par. 14 of the old Notice on cooperation between National Courts and the Commission in applying Articles 85 and 86 of the EEC Treaty, OJ C39, 13.02.1993, now replaced by the Commission Notice on the co-operation between the Commission and the Courts of the EU Member States in the application of Articles 81 and 82 EC, OJ C 101, 27.04.2004.

³⁵ Directive 2014/104/EU on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union, OJ L349/1, 5.12.2014.

³⁶ See N. Fennelly, 'The National Judge as Judge of the European Union', in *The Court of Justice and the Construction of Europe: Analyses and Perspectives on Sixty Years of Case-Law*, Springer, 2013.

be regarded as proper European agencies when they apply EU competition law, rather than mere extensions of the Commission.³⁷ After all, the role that domestic judges and NCAs play in applying the EU competition law rules has been pointed out on numerous occasions, including the rulings under discussion. In light of the above, the *Si.mobil* and *easyJet* General Court rulings may be seen as a step forward when it comes to a more resource efficient application of the EU competition law rules, at least from the enforcers' standpoint.

What about the complainants? Where do they fit in this picture? I have already pointed out that according to the Network Notice, it is important for the complainants to file their complaint with the authority most likely to be well placed to deal with the case, since once a case is allocated to an authority, its reallocation is undesirable. Equally, when filing a complaint, the complainant has to be aware of the powers of, and the types of decisions and measures that an authority may take; furthermore, the complainant should balance this with the likelihood of that authority being best placed to deal with the case and with the desired outcome he or she may have in mind. This is evident from the *CIF* ruling,³⁸ where if the complaint relating the Italian legislation contrary to EU law had been lodged with the Commission and not with the Italian authorities, the former would not have had the possibility to disapply this domestic legislation. The *Si.mobil* and *easyJet* General Court rulings seem to add more pressure on the complainants in submitting their complaints to the 'correct' authority. This is because if one observes the General Court's interpretation of the requirements of Article 13 of Regulation 1/2003, the threshold for regarding a case as 'dealt with' has been lowered considerably: the Commission may reject a second complaint relating to the same issue, if the NCA has engaged in some sort of a (follow-up) review of the case, the intensity and outcome of which may vary considerably. All this comes without even a need for the Commission to perform the *Automec* EU interest test. Furthermore, there is not much the Commission or the General Court may do regarding the legality, merits and methodology of the NCA's decision, let alone its internal setup. Last but not least, the discretionary and rather sensitive use of Article 11, par. 6 of Regulation 1/2003, should not raise the complainants' expectations too much, as it is can hardly be regarded as a viable solution. Having these issues in mind, after *Si.mobil* and *easyJet*, if a complainant does not like the manner an authority has dealt with its claim it has very little chances of having the case dealt with by another authority, even if the former has rejected it on priority grounds, has assessed it in light of other domestic laws than competition law, or has performed a poor review, as far as the complainant can see. The options available to complainants seem fewer than before, and not very promising: the complainant may place its trust in the review that the domestic courts will perform on the NCA's decision. Alternatively, the complainant has to think twice who to

³⁷ See also the keynote speech of G. Monti, 'A Plea for 'Extraterritorial' Antitrust Enforcement by National Competition Authorities', *Fourth ACELG Annual Conference, Amsterdam*, 14 November 2014, summarized by O. Brook, 'Ten Years of Decentralized EU Competition Law Enforcement – Success or Failure?', <http://acelg.blogactiv.eu/2014/12/10/ten-years-of-decentralized-eu-competition-law-enforcement-success-or-failure-2/>, accessed on 27 March 2015.

³⁸ Case C-198/01 *Consorzio Industrie Fiammiferi (CIF) v. Autorità Garante della Concorrenza e del Mercato*, ECLI:EU:C:2003:430.

address first before he or she complains, and while doing this, correctly understand the guidance put forward by the Network Notice and the Commission - National Courts Cooperation Notice.

VI. CONCLUDING REMARKS

In conclusion, the *Si.mobil* and *easyJet* rulings of the General Court seem to have reframed the manner in which workload division is conceived within the ECN. In my opinion this is done with a view to further empower the NCAs, by placing a greater degree of trust in the verdicts issued in domestic ambits. In this respect, the outcome of these two rulings is also in keeping with the latest trends in the field of enforcement of competition law rules, where the findings of NCAs seem to transcend jurisdictions, with an attached heavier weight than before. Given the already widespread application of the EU competition law rules by national authorities, this extra deference to the work done in domestic jurisdictions is likely to result in more resource-efficient enforcement of the law. However, if the Commission must now meet a lower burden to reject a case, and it therefore trusts the NCAs' manner of dealing with the complaints, someone has to 'foot the bill': these will be the complainants who must exercise the utmost diligence when filling their complaints with one or another authority.