

Commitment Decisions: Is the Sky the Limit? Commentary to Judgment of the General Court (Eighth Chamber) of 15 September 2016, T-76/14, Morningstar, Inc. v European Commission

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ABSTRACT: In its judgment of 15 September 2016,¹ the General Court ruled on whether the commitments offered by Thompson Reuters to the European Commission during an investigation of a possible abuse of dominant position were sufficient to address the competition concerns identified by the Commission.

This is only the second time the Court of Justice of the European Union² ruled on Commission decisions rendering binding the commitments offered by an undertaking under Article 9 of Regulation 1/2003.³ With regard to standing, the General Court ruled the appeal lodged by a competitor admissible. As for substance, the General Court generally confirmed the previous case law. It ruled on the wide discretion of the Commission when adopting commitment decisions as long as the commitments meet the competition concerns identified by the institution, the different proportionality standard in Article 9 decisions as compared to Article 7 Regulation 1/2003 decisions (formal decision finding an infringement), and the limited scope of judicial review of the Court of Justice of the European Union in these appeals.

KEYWORDS: Commitment decisions; judicial review; proportionality.

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¹ Judgment of 15 September 2016, *Morningstar, Inc. v European Commission*, T-76/14, EU:T:2016:481.

² Comprising the Court of Justice, the General Court and specialized courts.

³ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (Official Journal L 1, 4 January 2003, 1-25).