

Case C-244/94

Fédération Française des Sociétés d'Assurance and Others

v

Ministère de l'Agriculture et de la Pêche

(Reference for a preliminary ruling  
from the French Conseil d'État)

(Article 85 et seq. of EC Treaty — Concept of an 'undertaking' —  
Organization managing an optional supplementary  
social security scheme)

Opinion of Advocate General Tesauro delivered on 13 July 1995 .....	I - 4015
Judgment of the Court, 16 November 1995 .....	I - 4022

Summary of the Judgment

*Competition — Community rules — Undertaking — Concept — Organization managing an optional supplementary old-age insurance scheme — Operation in accordance with the principle of capitalization — Included*  
(EC Treaty, Arts 85 and 86)

A non-profit-making organization which manages an old-age insurance scheme intended to supplement a basic compulsory scheme, established by law as an optional scheme and operating according to the principle of capitalization in keeping with the rules laid down by the authorities in particular with regard to conditions for membership, contributions and benefits, is an under-

taking for the purposes of Article 85 et seq. of the Treaty. Even if such an organization is non-profit-making, and the scheme it administers exhibits certain limited features of solidarity which are not comparable with the features that characterize compulsory social security schemes, it nevertheless carries on an economic activity in competition with life assurance companies.