



Reports of Cases

Case C-32/11

Allianz Hungária Biztosító Zrt. and Others
v
Gazdasági Versenyhivatal

(Request for a preliminary ruling from the Magyar Köztársaság Legfelsőbb Bírósága)

(Competition — Article 101(1) TFEU — Application of similar national regulations — Jurisdiction of the Court — Bilateral agreements between an insurance company and car repairers relating to hourly repair charges — Charges paid depending on the number of insurance contracts concluded for the insurance company by those repairers in their capacity as brokers — Concept of ‘agreement having as its object the restriction of competition’)

Summary — Judgment of the Court (First Chamber), 14 March 2013

1. *Questions referred for a preliminary ruling — Jurisdiction of the national court — Assessment of the need for, and relevance of, the questions referred*
(Art. 267 TFEU)
2. *Questions referred for a preliminary ruling — Jurisdiction of the Court — Interpretation sought owing to the applicability to an internal situation of a provision of Union law made applicable by national law — Jurisdiction to provide that interpretation*
(Art. 267 TFEU)
3. *Questions referred for a preliminary ruling — Admissibility — Conditions — Questions having a connection with the facts or subject-matter of the dispute — Request providing the Court with enough details of the factual and legislative background — Scope*
(Art. 267 TFEU; Statute of the Court of Justice, Art. 23)
4. *Competition — Agreements, decisions and concerted practices — Adverse effect on competition — Criteria for assessment — Anti-competitive object — Sufficient — Difference between infringements by object and by effect*
(Art. 101(1) TFEU)
5. *Competition — Agreements, decisions and concerted practices — Adverse effect on competition — Criteria for assessment — Wording and purpose of an agreement and the economic and legal context of the development of that agreement — Intention of the parties to an agreement to restrict*

competition — Non necessary condition — Account taken of such an intention by the competition authorities or the national courts and courts of the European Union — Lawfulness — Ability of an agreement to have negative effects on competition

(Art. 101(1) TFEU)

6. *Competition — Agreements, decisions and concerted practices — Agreements between undertakings — Adverse effect on competition — Bilateral arrangements between car insurance companies and car dealers or an association representing the latter concerning the hourly charge to be paid by those companies for the repair of vehicles insured by them — Link between the remuneration for the car repair service and that for the car insurance brokerage — Anti-competitive object — Criteria for assessment — Individual and specific examination, by the national court, of the wording and purpose of arrangements and the economic and legal context*

(Art. 101(1) TFEU)

1. See the text of the decision.

(see para. 19)

2. See the text of the decision.

(see paras 20-23)

3. See the text of the decision.

(see paras 26-28)

4. See the text of the decision.

(see paras 33-35)

5. See the text of the decision.

(see paras 36-38)

6. Article 101(1) TFEU must be interpreted as meaning that agreements whereby car insurance companies come to bilateral arrangements, either with car dealers acting as car repair shops or with an association representing those dealers, concerning the hourly charge to be paid by the insurance company for repairs to vehicles insured by it, stipulating that that charge depends, inter alia, on the number and percentage of insurance contracts that the dealer has sold as intermediary for that company, can be considered to be a restriction of competition 'by object' within the meaning of that provision, where, following a concrete and individual examination of the wording and aim of those agreements and of the economic and legal context of which they form a part, it is apparent that they are, by their very nature, injurious to the proper functioning of normal competition on one of the two markets concerned.

(see para. 51, operative part)