

Judgment of the Court (Ninth Chamber) of 23 December 2015 — European Commission v Hellenic Republic

(Case C-180/14) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 2003/88/EC — Organisation of working time — Daily rest — Weekly rest — Maximum weekly working time)

(2016/C 068/07)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: M. Patakia and M. van Beek, acting as Agents)

Defendant: Hellenic Republic (represented by: A. Samoni-Rantou, N. Dafniou and S. Vodina, acting as Agents)

Operative part of the judgment

The Court:

1. Declares that, by failing to implement an average weekly working time of not more than 48 hours and by failing to ensure a minimum daily rest period or an equivalent period of compensatory rest which directly follows the working time which that period is supposed to compensate for, the Hellenic Republic has failed to fulfil its obligations under Articles 3 and 6 of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time;
2. Dismisses the action as to the remainder;
3. Orders the Hellenic Republic to pay the costs.

⁽¹⁾ OJ C 184, 16.6.2014.

Judgment of the Court (Fourth Chamber) of 17 December 2015 (request for a preliminary ruling from the Tribunal du travail de Liège — Belgium) — Abdoulaye Amadou Tall v Centre public d'action sociale de Huy

(Case C-239/14) ⁽¹⁾

(Reference for a preliminary ruling — Area of freedom, security and justice — Directive 2005/85/EC — Minimum standards on procedures in Member States for granting and withdrawing refugee status — Article 39 — Right to an effective remedy — Multiple asylum claims — Non-suspensory effect of an appeal against a decision of the competent national authority not to further examine a subsequent application for asylum — Social protection — Charter of Fundamental Rights of the European Union — Article 19(2) — Article 47)

(2016/C 068/08)

Language of the case: French

Referring court

Tribunal du travail de Liège

Parties to the main proceedings

Applicant: Abdoulaye Amadou Tall

Defendant: Centre public d'action sociale de Huy

Intervener: Agence fédérale pour l'accueil des demandeurs d'asile (Fedasil)

Operative part of the judgment

Article 39 of Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, read in the light of Articles 19(2) and 47 of the Charter of Fundamental Rights of the European Union, must be interpreted as not precluding national legislation which does not confer suspensory effect on an appeal brought against a decision, such as the one at issue in the main proceedings, not to further examine a subsequent application for asylum.

⁽¹⁾ OJ C 223, 14.7.2014.

Judgment of the Court (First Chamber) of 23 December 2015 (request for a preliminary ruling from the Conseil d'État — France) — Air France-KLM, formerly Air France (C-250/14), Hop!-Brit Air SAS, formerly Brit Air (C-289/14) v Ministère des Finances et des Comptes publics

(Joined Cases C-250/14 and C-289/14) ⁽¹⁾

(VAT — Chargeable event and chargeability — Air transport — Ticket purchased but not used — Provision of the transport service — Issue of the ticket — Time of payment of the tax)

(2016/C 068/09)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicants: Air France-KLM, formerly Air France (C-250/14), Hop!-Brit Air SAS, formerly Brit Air (C-289/14)

Defendant: Ministère des Finances et des Comptes publics

Operative part of the judgment

1. Articles 2(1) and 10(2) of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment, as amended by Council Directive 1999/59/EC of 17 June 1999, then by Council Directive 2001/115/EC of 20 December 2001, must be interpreted as meaning that the issue by an airline company of tickets is subject to value added tax where the tickets issued have not been used by passengers and the latter are unable to obtain a refund for those tickets.
2. Article 2(1) and the first and second subparagraphs of Article 10(2) of the Sixth Directive 77/388, as amended by Directive 1999/59, then by Directive 2001/115, must be interpreted as meaning that the value added tax paid when the air ticket was purchased by a passenger who has not used it becomes chargeable on receipt of payment of the ticket price, whether by the airline company itself, by a third party acting in its name and on its behalf, or by a third party acting in its own name but on behalf of the airline company.