

Parties to the main proceedings

Applicants: Guy Riskin, Geneviève Timmermans

Defendant: État belge

Operative part of the judgment

Articles 63 TFEU and 65 TFEU, read in conjunction with Article 4 TEU, must be interpreted as not precluding a Member State from not extending, in a situation such as that at issue in the main proceedings, the benefit of the advantageous treatment accorded to a resident shareholder as a result of a bilateral double taxation convention concluded between that Member State and a third State — by which tax deducted at source by the third State is allowed unconditionally as a credit against tax payable in the shareholder's Member State of residence — to a resident shareholder in receipt of dividends from a Member State with which that Member State of residence has concluded a bilateral double taxation convention under which the granting of such a set-off is subject to compliance with additional conditions provided for by national law.

⁽¹⁾ OJ C 221, 6.7.2015.

Judgment of the Court (Tenth Chamber) of 30 June 2016 (request for a preliminary ruling from the Sąd Rejonowy dla Wrocławia-Śródmieścia — Poland) — Alicja Sobczyszyn v Szkoła Podstawowa w Rzeplinie

(Case C-178/15) ⁽¹⁾

(Reference for a preliminary ruling — Organisation of working time — Directive 2003/88/EC — Right to paid annual leave — Teachers — Convalescence leave — Annual leave coinciding with convalescence leave — Right to take the annual leave in another period)

(2016/C 335/22)

Language of the case: Polish

Referring court

Sąd Rejonowy dla Wrocławia-Śródmieścia

Parties to the main proceedings

Applicant: Alicja Sobczyszyn

Defendant: Szkoła Podstawowa w Rzeplinie

Operative part of the judgment

Article 7(1) 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 must be interpreted as precluding national legislation or a national practice, such as that at issue in the main proceedings, under which a worker who is on convalescence leave, granted in accordance with national law, during the period of annual leave scheduled in the leave roster of the establishment where he is employed may be refused, at the end of his convalescence leave, the right to take his paid annual leave in a subsequent period, provided that the purpose of the right to convalescence leave is different from that of the right to annual leave, a matter which is for the national court to determine.

⁽¹⁾ OJ C 245, 27.7.2015.