

- reserve the question of Carpatair's and AITTV's costs if the case is remitted to the General Court or, if this Honourable Court substitutes its own judgement then order Carpatair to pay its own costs and those of AITTV at first instance and on appeal.

### **Pleas in law and main arguments**

The Appellant submits that the judgment under appeal should be set aside on the following grounds:

Plea 1 — erred in law by deeming Carpatair's action admissible despite Carpatair not being 'substantially affected' by the contested arrangements;

Plea 2 — erred in law in finding that the arrangements were selective;

Plea 3 — erred in law by rejecting the admissibility of the ex ante assessment;

Plea 4 — disregarded relevant considerations (e.g., by deeming the Oxera report as 'irrelevant'), and

Plea 5 — failed to sufficiently take into account evidence submitted by the Commission, Wizz and AITTV relating to the material lack of competition between Wizz and Carpatair when the arrangements were concluded.

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<sup>(1)</sup> Commission Decision (EU) 2021/1428 of 24 February 2020 ON THE STATE AID SA.31662 — C/2011 (ex NN/2011) implemented by Romania for Timișoara International Airport — Wizz Air (OJ 2021, L 308, p. 1).

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## **Request for a preliminary ruling from the Fővárosi Törvényszék (Hungary) lodged on 18 April 2023 — VP v Országos Idegenrendészeti Főigazgatóság**

**(Case C-247/23, Deldits <sup>(1)</sup>)**

(2023/C 235/23)

*Language of the case: Hungarian*

### **Referring court**

Fővárosi Törvényszék

### **Parties to the main proceedings**

*Applicant:* VP

*Defendant:* Országos Idegenrendészeti Főigazgatóság

### **Questions referred**

1. Must Article 16 of the GDPR <sup>(2)</sup> be interpreted as meaning that, in connection with the exercise of the rights of the data subject, the authority responsible for keeping registers under national law is required to rectify the personal data relating to the sex of that data subject recorded by that authority, where those data have changed after they were entered in the register and therefore do not comply with the principle of accuracy established in Article 5(1)(d) of the GDPR?
2. If the answer to the first question referred is in the affirmative, must Article 16 of the GDPR be interpreted as meaning that it requires the person requesting rectification of the data relating to his or her sex to provide evidence in support of the request for rectification?
3. If the answer to the second question referred is in the affirmative, must Article 16 of the GDPR be interpreted as meaning that the person making the request is required to prove that he or she has undergone sex reassignment surgery?

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<sup>(1)</sup> The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

<sup>(2)</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance) (OJ 2016 L 119, p. 1).