

- the annulment of the decision of the Executive Board of the ECB dated 25 June 2019 refusing to reopen the disciplinary proceedings further to the closure of criminal proceedings;
 - in any case, the compensation of the moral prejudice suffered by the appellant evaluated *ex aequo et bono* at 20 000,00 Euros;
 - the reimbursement of all the costs.
- order the ECB to pay all the costs of both the appeal and of the first instance.

Pleas in law and main arguments

The judgement under appeal erred in law in rejecting the first plea alleging lack of competence of the author of the contested measures.

The judgement under appeal erred in law in rejecting the second plea alleging infringement of Article 8.3.2 of the Staff Rules and of the principle of legal certainty.

The judgement under appeal erred in law in rejecting the seventh plea alleging infringement of the right to the presumption of innocence and Article 48 of the Charter of Fundamental Rights of the European Union.

The judgement under appeal erred in law in rejecting the fourth plea alleging infringement of Article 8.3.7 of the Staff Rules and infringement of the principle of impartiality as enshrined in Article 41 of the Charter.

The judgement under appeal erred in law in rejecting the sixth plea alleging manifest errors of assessment.

Appeal brought on 26 August 2021 by CE against the judgment of the General Court (Seventh Chamber) delivered on 16 June 2021 in Case T-355/19, CE v Committee of the Regions

(Case C-539/21 P)

(2022/C 37/11)

Language of the case: French

Parties

Appellant: CE (represented by: M. Casado García-Hirschfeld, avocate)

Other party to the proceedings: Committee of the Regions

Form of order sought

The appellant claims that the Court should:

- set aside in part the judgment of 16 June 2021, *CE v Committee of the Regions* (T-355/19);
- order the Committee of the Regions to pay all the costs, including those incurred before the General Court relating both to the main proceedings and to the interlocutory proceedings.

Grounds of appeal and main arguments

In support of her appeal, the appellant contests in particular paragraphs 69 and 70, 73 to 77, 83 to 91, 109 to 116, 126 to 139, 149 and 150 of the judgment under appeal. The appellant puts forward a single ground of appeal, alleging distortion of the facts and manifest errors of assessment resulting in an inadequate and inaccurate legal reasoning.

Request for a preliminary ruling from the Bundesarbeitsgericht (Germany) lodged on 13 September 2021 — ZS v Zweckverband ‘Kommunale Informationsverarbeitung Sachsen’ KISA, a body governed by public law

(Case C-560/21)

(2022/C 37/12)

Language of the case: German

Referring court

Bundesarbeitsgericht

Parties to the main proceedings

Applicant: ZS

Defendant: Zweckverband ‘Kommunale Informationsverarbeitung Sachsen’ KISA, a body governed by public law

Questions referred

1. Is the second sentence of Article 38(3) of Regulation (EU) 2016/679 ⁽¹⁾ (the General Data Protection Regulation; ‘the GDPR’) to be interpreted as precluding a provision of national law, such as, in the present case, the first sentence of Paragraph 6(4) of the Bundesdatenschutzgesetz (Federal Law on data protection), which makes dismissal of the data protection officer by the controller, who is his or her employer, subject to the conditions set out therein, irrespective of whether such dismissal relates to the performance of his or her tasks?

If the answer to the first question is in the affirmative:

2. Does the second sentence of Article 38(3) of the GDPR have a sufficient legal basis, in particular in so far as the provision covers data protection officers who have an employment relationship with the controller?

⁽¹⁾ 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 (OJ 2016 L 119, p. 1).

Appeal brought on 23 September 2021 by DD against the judgment of the General Court (Fourth Chamber) delivered on 14 July 2021 in Case T-632/19, DD v FRA

(Case C-587/21 P)

(2022/C 37/13)

Language of the case: English

Parties

Appellant: DD (represented by: N. Lorenz, Rechtsanwältin)

Other party to the proceedings: European Union Agency for Fundamental Rights