The Commission raises a single ground of appeal, which is that the General Court erred in law by concluding that there was a close connection between the statement of reasons of the contested decision and the language regime set out in the notice of competition, thereby admitting that the plea of illegality of this language regime was admissible.

This single ground of appeal is divided in three parts:

(1) First, the General Court made an erroneous legal qualification of the facts, at paragraph 54 of the judgment under appeal, by inferring from the mark obtained by the Applicant for the general competency 'Communication' a close connection between the language regime of the competition at issue and the statement of reasons of the contested decision.

(2) Second, at paragraphs 55-57 of the judgment under appeal, the General Court made an erroneous legal qualification of the facts, by admitting the close connection on the basis of the fact that it is more difficult for a candidate to sit tests in his or her Language 2 than in his or her mother tongue. The General Court also distorted the evidence by neglecting the fact that, in the case at hand, the two other languages that the Applicant mastered the best were English and French. The limitation of the choice of the Language 2 to English, French and German thus could not cause her any disadvantage.

(3) Third and last, at paragraph 58 of the judgment under appeal the General Court erroneoulsy qualified the facts by grounding the close connection also on the fact that the Applicant had to sit the written test with another keyboard configuration than the QWERTY-PT she is accustomed to. First, this is unrelated to the reasoning of the contested decision. Second, even if a limited choice of keyboard configurations is made available by EPSO (AZERTY, QWERTY-EN, and QWERTZ-DE), this is a distinct issue from the language regime of the competition.

Request for a preliminary ruling from the Landgericht Mainz (Germany) lodged on 31 August 2021 — ID v Stadt Mainz

(Case C-544/21)

(2022/C 2/21)

Language of the case: German

Referring court

Landgericht Mainz

Parties to the main proceedings

Applicant: ID

Defendant: Stadt Mainz

Questions referred

1. Does it follow from EU law, in particular from Article 4(3) TEU, the third paragraph of Article 288 TFEU and Article 260(1) TFEU, that, in the context of ongoing court proceedings between private persons, Article 15(1), (2)(g) and (3) of Directive 2006/123/EC [1] of the European Parliament and of the Council of 12 December 2006 on services in the internal market ('the Services Directive') has direct effect in such a way that the national provisions contrary to that directive that are contained in Paragraph 4 of the German Verordnung über die Honorare für Architekten- und Ingenieurleistungen (Decree on fees for services provided by architects and engineers) of 1996, as amended in 2002 ('the 2002 HOAI'), pursuant to which the minimum rates for planning and supervision services provided by architects and engineers laid down in that official scale of fees are mandatory — save in certain exceptional cases — and any fee agreement in contracts with architects or engineers which falls short of the minimum rates is invalid, are no longer to be applied, even in the case of claims arising from an architect's contract concluded in 2004, that is to say, prior to the adoption of the Services Directive?

2. If Question 1 is answered in the negative:

   (a) Is Article 49 TFEU (ex Article 43 TEC) to be interpreted as meaning that a national provision such as Paragraph 4 of the 2002 HOAI, under which the minimum rates for planning and supervision services provided by architects and engineers laid down in that official scale of fees are mandatory — save in certain exceptional cases — and any fee agreement in contracts with architects or engineers which falls short of the minimum rates is invalid, is precluded by, or constitutes an infringement of, that article?

   (b) If the previous question is answered in the affirmative: does it follow from such an infringement that the national rules on mandatory minimum rates (in this case: Paragraph 4 of the 2002 HOAI) are no longer to be applied in ongoing court proceedings between private persons?

([1]) Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ 2006 L 376, p. 36).

Request for a preliminary ruling from the Verwaltungsgericht Wiesbaden (Germany) lodged on 7 September 2021 — FT v *Land* Hesse

(Case C-552/21)

(2022/C 2/22)

Language of the case: German

Referring court

Verwaltungsgericht Wiesbaden

Parties to the main proceedings

Applicant: FT

Defendant: Land Hesse

Joined party: SCHUFA Holding AG

Questions referred

1. Is Article 77(1) of the General Data Protection Regulation (GDPR), ([1]) read in conjunction with Article 78(1) thereof, to be understood as meaning that the outcome that the supervisory authority reaches and notifies to the data subject

   (a) has the character of a decision on a petition? This would mean that judicial review of a decision on a complaint taken by a supervisory authority in accordance with Article 78(1) of the GDPR is, in principle, limited to the question of whether the authority has handled the complaint, investigated the subject matter of the complaint to the extent appropriate and informed the complainant of the outcome of the investigation,

   or

   (b) is to be understood as a decision on the merits taken by a public authority? This would mean that judicial review of a decision on a complaint taken by a supervisory authority in accordance with Article 78(1) of the GDPR leads to the decision on the merits being subject to a full substantive review by the court, whereby, in individual cases — for example where discretion is reduced to zero — the supervisory authority may also be obliged by the court to take a specific measure within the meaning of Article 58 of the GDPR.

2. Is the storage of data at a private credit information agency, where personal data from a public register, such as the 'national databases' within the meaning of Article 79(4) and (5) of Regulation (EU) 2015/848, ([2]) are stored without a specific reason in order to be able to provide information in the event of a request, compatible with Articles 7 and 8 of the Charter of Fundamental Rights of the European Union?