

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

Form of order sought

The appellant claims that the Court should:

- set aside the judgment under appeal in its entirety,
- consequently,
 - annul the decision of the Director of the European Union Agency for Fundamental Rights (FRA) dated 19 November 2018 rejecting the applicant's request under Article 90(1) of the Staff Regulations;
 - if need be, annul the decision of the FRA Director dated 12 June 2018, received on 13 June 2018, rejecting the complaint under Article 90(2) of the Staff Regulations directed by the applicant against the above decision of 19 November 2019;
 - grant the applicant compensation for the sustained non-material damage, as detailed in this appeal, estimated ex aequo et bono at 100 000 €;
 - order the FRA to pay all the costs.

Pleas in law and main arguments

Error of law and distortion of evidence regarding the statement of facts.

Error of law and violation of the principle of legal certainty regarding the first head of unlawfulness.

Error of law, violation of res iudicata, insufficient reasoning, failure to rule on appellant's head of claim, distortion of evidence regarding the second head of unlawfulness.

Error of law, manifest error of appraisal and insufficient reasoning regarding the third head of unlawfulness.

Error of law, distortion of evidence, manifest error of appraisal, plea that General Court acted ultra vires and ultra petita, plea alleging that the General Court wrongly rejected the appellants' offer of production of a document on request which was material to the case and insufficient reasoning regarding the fourth head of unlawfulness.

Error of law, insufficient reasoning, wrong legal classification of facts, distortion of evidence and manifest error of appraisal regarding the fifth head of unlawfulness.

Error of law, distortion of evidence, failure to rule on appellant's head of claim, wrong legal classification, plea that GC acted ultra petita, plea alleging that GC wrongly rejected the appellants' request to order production of a document which was material to the case, incomplete examination of the application and of the plea of harassment raised by the applicant regarding the sixth head of unlawfulness.

Error of law regarding the section on actual damage alleged and causal link.

**Request for a preliminary ruling from the Areios Pagos (Greece) lodged on 23 September 2021 —
Charles Taylor Adjusting Limited, FD v Starlight Shipping Company, Overseas Marine Enterprises
INC**

(Case C-590/21)

(2022/C 37/14)

Language of the case: Greek

Referring court

Areios Pagos