6. Is the provision of Article 4(6) of the Law on Data protection, according to which 'the right of access of the data subject pursuant to Article 15 of the GDPR, as a rule, does not (exist) vis-à-vis the controller if the provision of such information would violate a business or trade secret of the controller or third parties' compatible with the requirements of Article 15(1) in conjunction with Article 22(3) of the GDPR? If the above question is answered in the affirmative, what are the conditions for such compatibility?

(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 (General Data Protection Regulation) (OJ 2016 L 119, p. 1).

(2) Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ 2016 L 157, p. 1).

Request for a preliminary ruling from the Tribunale ordinario di Bologna (Italy) lodged on 24 March 2022 — OV v Ministero Interno — Unità Dublino

(Case C-217/22)

(2022/C 222/31)

Language of the case: Italian

Referring court

Tribunale ordinario di Bologna

Parties to the main proceedings

Applicant: OV

Defendant: Ministero Interno — Unità Dublino

Question referred

1. Must Articles 4 and 5 of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013, (1) particularly in view of the right to an effective remedy laid down in Article 27 of that regulation, be interpreted as meaning that the applicant, who has challenged before the courts of the *requesting* State the transfer decision adopted by the Dublin Unit of that State in the context of a take back procedure under Article 18(1)(b), is entitled to invoke the infringement by the *requested* State of the duty to provide information laid down in Article 4 or of the obligation to arrange a personal interview with the applicant under Article 5 of that regulation, and if the answer is in the affirmative, what is the relevance of such an infringement?

(1) Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ 2013 L 180, p. 31).

Appeal brought on 5 April 2022 by European Commission against the judgment of the General Court (Fourth Chamber, Extended Composition) delivered on 26 January 2022 in Case T-286/09 RENV, Intel Corporation v Commission

(Case C-240/22 P)

(2022/C 222/32)

Language of the case: English

Parties

Appellant: European Commission (represented by: F. Castillo de la Torre, N. Khan, M. Kellerbauer and C. Sjödin, Agents)

Other parties to the proceedings: Intel Corporation Inc., Association for Competitive Technology, Inc., Union fédérale des consommateurs — Que choisir (UFC — Que choisir)

Form of order sought

The appellant claims that the Court should:

— set aside the judgment under appeal, save for paragraph 3 of its operative part;

— refer the proceedings back to the General Court;

— reserve the costs.

Pleas in law and main arguments

The appellant raises six grounds of appeal.

First ground of appeal: The review by the judgment under appeal of the extent of the Decision's ([1]) analysis of the criteria of coverage and duration is *ultra petita*. Furthermore, the judgment under appeal errs in law in denying any overall assessment of the capability of Intel's practices to foreclose competition in the light of all the relevant circumstances of the case and in misinterpreting the guidance given in that respect in the judgment of the Court of Justice of 6 September 2017, *Intel* v *Commission*, C-413/14 P, EU:C:2017:632.

Second ground of appeal: The judgment's under appeal review of the as-efficient-competitor test (the AEC test) carried out in the Decision infringes the Commission's rights of defence.

Third ground of appeal: The judgment's under appeal review of the Decision's AEC test in relation to Dell errs with respect to the standard of proof, distorts the clear meaning of the evidence, applies contradictory reasoning and infringes the Commission's rights of defence.

Fourth ground of appeal: The judgment's under appeal review of the Decision's AEC test in relation to Hewlett-Packard Company errs with respect to the standard of proof, infringes the Commission's rights of defence and contains several other errors of law.

Fifth ground of appeal: The judgment's under appeal review of the Decision's AEC test in relation to Lenovo errs in its interpretation of the AEC test and of Article 102 TFEU, distorts the evidence and infringes the Commission's rights of defence.

Sixth ground of appeal: Insofar as the judgment under appeal relies on its review of the Decision's AEC test for the purposes of partly annulling the Decision, it fails to consider properly the implications of its findings on the AEC test.

([1]) Commission Decision C(2009) 3726 final of 13 May 2009 relating to a proceeding under Article [102 TFEU] and Article 54 of the EEA Agreement (Case COMP/C-3/37.990 — Intel).

Appeal brought on 15 April 2022 by Arysta LifeScience Great Britain Ltd against the judgment of the General Court (Seventh Chamber) delivered on 9 February 2022 in Case T-740/18, Taminco and Arysta LifeScience Great Britain v Commission

(Case C-259/22 P)

(2022/C 222/33)

Language of the case: English

Parties

Appellant: Arysta LifeScience Great Britain Ltd (represented by: C. Mereu, avocat)

Other parties to the proceedings: European Commission, Taminco BVBA