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?

3. Are private databases (in particular databases of a credit information agency) which exist in parallel with, and are set up in addition to, the State databases and in which the data from the latter (*in casu*, insolvency announcements) are stored for longer than the period provided for within the narrow framework of Regulation (EU) 2015/848, read in conjunction with the national law, permissible in principle, or does it follow from the right to be forgotten under Article 17(1)(d) of the GDPR that such data must be deleted where

   (a) provision is made for a processing period which is identical to that of the public register,

   or

   (b) provision is made for a retention period which exceeds that provided for in respect of public registers?

4. In so far as point (f) of Article 6(1) of the GDPR enters into consideration as the sole legal basis for the storage of data at private credit information agencies with regard to data also stored in public registers, is a credit information agency already to be regarded as pursuing a legitimate interest in the case where it imports data from the public register without a specific reason so that those data are then available in the event of a request?

5. Is it permissible for codes of conduct which have been approved by the supervisory authorities in accordance with Article 40 of the GDPR, and which provide for time limits for review and erasure that exceed the retention periods for public registers, to suspend the balancing of interests prescribed under point (f) of Article 6(1) of the GDPR?

([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).

([2]) Regulation of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings (OJ 2015 L 141, p. 19).

Request for a preliminary ruling from the Rechtbank Amsterdam (Netherlands) lodged on 14 September 2021 — European arrest warrant issued against X, Other party to the proceedings: Openbaar Ministerie

(Case C-562/21)

(2022/C 2/23)

Language of the case: Dutch

Referring court

Rechtbank Amsterdam

Parties to the main proceedings

European arrest warrant issued against: X

Other party to the proceedings: Openbaar Ministerie

Question referred

What test should an executing judicial authority apply when deciding whether to execute an EAW for the purpose of executing a final custodial sentence or detention order when examining whether, in the issuing Member State, the trial resulting in the conviction was conducted in breach of the right to a tribunal previously established by law, where no effective remedy was available in that Member State for any breach of that right?