

National Data Protection Commission

OPINION/2022/94

## I. Order

1. The Commission for Economy, Public Works, Planning and Housing, of the Assembly of the Republic, requested the National Commission for Data Protection (CNPd) to issue an opinion on Proposed Law No. 30/XV/1,a ( GOV), which "completes the transposition of Directive (EU) 2019/2161 on consumer protection".

2. The CNPD issues an opinion within the scope of its attributions and powers as an independent administrative authority with authoritative powers to control the processing of personal data, conferred by paragraph c) of paragraph 1 of article 57, in conjunction with paragraph b) paragraph 3 of article 58, and with paragraph 4 of article 36, all of Regulation (EU) 2016/679, of April 27, 2016 - General Regulation on Data Protection (hereinafter RGPD), in conjunction with the provisions of article 3, paragraph 2 of article 4, and paragraph a) of paragraph 1 of article 6, of Law no. 58/ 2019, of August 8, which implements the GDPR in the internal legal order.

## II. Analysis

3. The proposed law intends to complete the transposition of Directive (EU) 2019/2161 of the Parliament and of the Council, of 27 November 2019, which amends several directives on consumer protection (including Directive 2011/83 /HUU).

4. As mentioned in the Proposal's explanatory memorandum, that Directive was partially transposed by Decree-Law No. 109-G/2021, of December 10, and now proceeds, in essence, to define the corresponding sanctioning regime.

5. It should be noted that Decree-Law No. 109-G/2021 addresses the main concern expressed by the CNPD in Opinion/2021/150, of November 23, regarding the wording of Article 4(2) . of Decree-Law no. 24/2014, of February 14.

6. Having analyzed this Draft Law, as well as the amendments introduced in Decree-Law No. 24/2014, of February 14, the CNPD concludes that none of its provisions raise reservations in terms of the protection of personal data.

Approved at the meeting of October 12, 2022

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