

PAR/2021/130

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CNPD

National Data Protection Commission

OPINION/2022/15

I. Order

1. On December 16, 2021, the Directorate-General for European Affairs of the Ministry of Foreign Affairs submitted to the National Data Protection Commission (CNPD), for an opinion, the text of the Air Transport Agreement between the European Union and its States Member States, on the one hand, and the State of Qatar, on the other hand (hereinafter referred to as the Agreement).

2. The Agreement was published in the Official Journal of the European Union on 5 November 2021¹

3. The CNPD issues this opinion within the scope of its attributions and competences, as the national authority to control the processing of personal data, in accordance with the provisions of Articles 57(1)(c) and 58. , no. 3, point b), of Regulation (EU) 2016/679 of the European Parliament and of the Council, of 27 April 2016 (General Regulation on Data Protection - hereinafter RGPD), in conjunction with the provisions of articles 3, 6, no. 1, subparagraph a), and no. 2, all of Law no. internal, GDPR.

4. The Agreement under analysis has as its object and scope of application air transport between the European Union and its Member States, on the one hand, and the State of Qatar, on the other hand.

5. In this regard, "air transport" means "the transport of passengers, baggage, cargo and mail by aircraft, separately or in combination, offered to the public for consideration or pursuant to a charter contract, including scheduled and non-scheduled air services" (Article 1(2) of the Agreement).

6. The Agreement is structured under three headings, which are as follows: (I) Economic Provisions (Articles 2 to 12); (II) Regulatory Cooperation (Articles 13 to 20); (III) Institutional provisions and final provisions (Articles 21 to 30).

7. In this agreement there are no specific provisions on the processing of personal data and the free movement of such data (Article 1(1) of the GDPR), especially by fully or partially automated means (Article 2(1) . of the GDPR).

¹ JOL391, Year 64, pp. 3 - 40.

II. Analysis

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8. And even though the execution of some activities regulated in this Agreement implies the processing of personal data, with different purposes, in the sense defined in paragraphs 1) and 2) of article 4 of the RGPD, such treatments are regulated in other legal instruments.

III. Conclusion

9. Thus, as the purpose of this agreement is not to regulate the processing of personal data, the CNPD has nothing to report.

Approved at the February 16, 2022 meeting

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Filipa Calvão (President)