



Brussels, 19 January 2024
(OR. en)

16003/23

Interinstitutional Files:
2023/0450(NLE)
2023/0451(NLE)

POLCOM 287
SERVICES 58
COASI 214
TELECOM 381
DATAPROTECT 363

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 2)/Council

No. Cion doc.: 16001/23 + COR 1 + ADD 1 + ADD 1 COR 1
16002/23 + COR 1 + ADD 1 + ADD 1 COR 1

Subject: Council Decision on the signing, on behalf of the European Union, of the Protocol amending the Agreement between the European Union and Japan for an Economic Partnership regarding free flow of data
- Adoption
and
Council Decision on the conclusion, on behalf of the European Union, of the Protocol amending the Agreement between the European Union and Japan for an Economic Partnership regarding free flow of data
- Agreement in principle
- Request for the consent of the European Parliament

1. On 26 September 2022 the Council approved negotiating directives for the Commission to negotiate the inclusion of provisions on cross-border data flows in the Agreement between the European Union and Japan for an Economic Partnership¹. The negotiations were concluded in principle on 28 October 2023.

¹ ST 12259/22 + ADD 1

2. On 1 December 2023, the Commission transmitted to the General Secretariat of the Council proposals for Council Decisions on the signature² and conclusion³, on behalf of the EU, of the Protocol amending the EU-Japan Economic Partnership Agreement regarding free flow of data.
3. On 6 December 2023, the Trade Policy Committee (Experts - Services and Investment) examined the Commission proposals for the two Council Decisions and on 19 December 2023 endorsed them, by written consultation, subject to legal-linguistic review.
4. In light of the above, and subject to confirmation by the Permanent Representatives Committee, the Council is invited to:
 - adopt the Decision on the signing of the said Agreement, as finalised by the legal-linguistic experts and set out in document 16004/23;
 - note that the European Parliament will be informed in accordance with Article 218(10) TFEU and that the Council Decision on the signing will be transmitted to the European Parliament; and
 - confirm the agreement in principle on the text of the Council decision on the conclusion, on behalf of the European Union, as finalised by the legal linguistic experts and set out in documents 16005/23 and 16006/23 and decide to forward the draft Decision on the conclusion to the European Parliament for its consent.

² ST 16001/23 + COR 1 + ADD 1 + ADD 1 COR 1

³ ST 16002/23 + COR 1 + ADD 1 + ADD 1 COR 1