



Council of the
European Union

Brussels, 23 January 2024
(OR. en)

16004/23

**Interinstitutional File:
2023/0451 (NLE)**

**POLCOM 288
SERVICES 59
COASI 215
TELECOM 382
DATAPROTECT 364**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the signing, on behalf of the Union, of the Protocol amending the Agreement between the European Union and Japan for an Economic Partnership

COUNCIL DECISION (EU) .../...

of ...

**on the signing, on behalf of the Union, of the Protocol amending the Agreement
between the European Union and Japan for an Economic Partnership**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 207(4), first subparagraph, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 12 July 2022, the Council authorised 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.
- (2) On 28 October 2023, the negotiations for the Protocol on amending the Agreement between the European Union and Japan for an Economic Partnership ('the Protocol') as regards the free flow of data were concluded.
- (3) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council² and delivered an opinion on ...³.
- (4) The Protocol should be signed on behalf of the Union, subject to its conclusion at a later date,

HAS ADOPTED THIS DECISION:

¹ OJ L 330, 27.12.2018, p. 3.

² Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

³ OJ C, ..., ELI: ...

Article 1

The signing on behalf of the Union of the Protocol amending the Agreement between the European Union and Japan for an Economic Partnership is hereby authorised, subject to the conclusion of the said Protocol⁴⁺.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the Union.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

For the Council

The President

⁴ The text of the Protocol is published in ... [*insert OJ reference*].

⁺ Delegations/OJ : see document st 16006/23.