



Council of the
European Union

Brussels, 23 January 2024
(OR. en)

16005/23

Interinstitutional File:
2023/0450 (NLE)

POLCOM 289
SERVICES 60
COASI 216
TELECOM 383
DATAPROTECT 365

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the conclusion, 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 conclusion, 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(6), second subparagraph, point (a)(v), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

¹ Consent of ... (not yet published in the Official Journal).

Whereas:

- (1) In accordance with Council Decision (EU) .../...²⁺, the Protocol amending the Agreement between European Union and Japan for an Economic Partnership ('the Protocol') as regards the free flow of data was signed on ...⁺⁺, subject to its conclusion at a later date.
- (2) 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 Council³ and delivered an opinion on ...⁴.
- (3) The Protocol should be approved on behalf of the Union,

HAS ADOPTED THIS DECISION:

² 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 (OJ L, ..., ELI: ...).

⁺ OJ: Please insert in the text the number of the decision contained in document st 16004/23 and insert the number, date and OJ reference of that Decision in the footnote.

⁺⁺ OJ: Please insert the date of signature for the Protocol in document st 16006/23.

³ 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).

⁴ OJ C, ..., ELI: ...

Article 1

The Protocol amending the Agreement between the European Union and Japan for an Economic Partnership is hereby approved on behalf of the Union⁵.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 23.2 of the Agreement between the European Union and Japan for an Economic Partnership, in order to express the consent of the Union to be bound by the Protocol⁶.

Article 3

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

Done at Brussels,

For the Council

The President

⁵ The text of the Protocol is published in ... [*insert OJ reference*].

⁶ The date of entry into force of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.