



Brussels, 19 April 2024  
(OR. en)

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**Interinstitutional File:  
2023/0450(NLE)**

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**POLCOM 141  
SERVICES 29  
COASI 53  
TELECOM 142  
DATAPROTECT 165**

**'I/A' ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
No. Cion doc.:	16002/23 + COR 1 + ADD 1 + ADD 1 COR 1
Subject:	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 - Adoption

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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 Partnership<sup>1</sup>. The negotiations were concluded in principle on 28 October 2023.
2. On 1 December 2023, the Commission transmitted to the General Secretariat of the Council proposals for Council Decisions on the signature<sup>2</sup> and conclusion<sup>3</sup>, on behalf of the EU, of the Protocol amending the EU-Japan Economic Partnership Agreement regarding free flow of data.

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<sup>1</sup> ST 12259/22 + ADD 1

<sup>2</sup> ST 16001/23 + COR 1 + ADD 1 + ADD 1 COR 1

<sup>3</sup> ST 16002/23 + COR 1 + ADD 1 + ADD 1 COR 1

3. On 29 January 2024, the Council adopted the Decision on the signing of the Protocol, as set out in document 16004/23. At the same time, the Council confirmed the agreement in principle on the text of the Council decision on the conclusion, on behalf of the European Union, of the Protocol, as finalised by the legal-linguistic experts and set out in document 16005/23. In accordance with Article 218(6), second subparagraph, point (a)(v) of the TFEU, the Council decided to forward the draft Decision, together with the Protocol itself<sup>4</sup>, to the European Parliament for its consent, with a view to preparing for the future conclusion of the Protocol.
4. The Protocol was signed on 31 January 2024.
5. The Parliament gave its consent to the conclusion of the Protocol on 14 March 2024.
6. The Trade Policy Committee (Experts – Services and Investment) endorsed the draft Council Decision on the conclusion of the Protocol on 19 April 2024.
7. In light of the above, and subject to confirmation by the Permanent Representatives Committee, the Council is invited to:
  - adopt the Decision on the conclusion of the Protocol, as finalised by the legal-linguistic experts and set out in document 16005/23; and
  - 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.

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<sup>4</sup> ST 16006/23