



2023/0450(NLE)

03.01.2024

DRAFT RECOMMENDATION

on the proposal for a 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

(COM(2023)0774 – C9-0000/2023 – 2023/0450(NLE))

Committee on International Trade

Rapporteur: Danilo Oscar Lancini

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a 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
(COM(2023)0774 – C9-0000/2023 – 2023/0450(NLE))**

(Consent)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2023)774),
 - having regard to the Protocol amending the Agreement between the European Union and Japan for an Economic Partnership regarding free flow of data (00000/2023),
 - having regard to the request for consent submitted by the Council in accordance with Article 207(4), first subparagraph and Article 218(6), second subparagraph, point (a)(v), and Article 218(7), of the Treaty on the Functioning of the European Union (C9-0000/2023),
 - having regard to Rule 105(1) and (4), and Rule 114(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on International Trade (A9-0000/2023),
1. Gives its consent to the conclusion of the protocol;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of Japan.

EXPLANATORY STATEMENT

By decision of 12 July 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 EU-Japan Economic Partnership Agreement (EPA) that entered into force on 1 February 2019, foresaw that the EU and Japan would assess the need for the inclusion of provisions on cross-border data flows within 3 years of the date of entry into force of the EPA.

On 24 October 2022, the EU and Japan launched the negotiations on cross-border data flows. On 28 October 2023, the negotiations were concluded in principle at the EU-Japan High-Level Economic Dialogue (HLED).

The EU and Japan are among the largest digital economies in the world. The EU seeks to accelerate and harness the benefits of the further digitalisation of the global economy and society. Data governance and cross-border data flows are crucial to this development. Data is the lifeline of many businesses and a critical component of business models and supply chains across many economic sectors.

This agreement brings much needed legal certainty that data flows between the EU and Japan will not be hampered by unjustified data localisation measures, and ensures the benefit from the free flow of data with trust in full compliance with our respective rules on data protection and the digital economy.

The outcome of the negotiations confirms EU and Japan continued commitment to the rules-based international trading system and joint determination to shape global data flow rules that respect shared values and respective regulatory approaches. Moreover, this agreement will contribute to deepening the partnership with Japan, which is a crucial EU partner in the Indo-Pacific.

Negotiated rules on cross-border data flows with Japan complement the existing mutual adequacy arrangement between the EU and Japan for personal data, and are in line with the consolidated proposal for provisions on cross-border data flows and protection of personal data and privacy in trade agreements. The proposal pursues the Commission's strategy laid down in the Trade Policy Review, the EU Data Strategy, the Joint Communication on the EU Strategy for Cooperation in the Indo-Pacific and in the Joint Declaration on privacy and the protection of personal data co-signed by the EU and Japan.

In accordance with Article 218(6) TFEU, the consent of the European Parliament is needed in order for the Council to adopt a decision on the conclusion of the Protocol and for the latter to come into force in due time.

In the light of the above, the Rapporteur recommends that the Parliament gives its consent to the conclusion of the Protocol, without prejudice to its democratic right of continuous scrutiny.

¹ Agreement between the European Union and Japan for an Economic Partnership (OJ L 330, 27.12.2018, p. 3).

**ANNEX: ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The rapporteur declares under his exclusive responsibility that he did not receive input from any entity or person to be mentioned in this Annex pursuant to Article 8 of Annex I to the Rules of Procedure.