



Plenary sitting

A9-0081/2024

8.3.2024

RECOMMENDATION

on the draft 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 (16005/2023 – C9-0018/2024 – 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 draft 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 (16005/2023 – C9-0018/2024 – 2023/0450(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (16005/2023),
 - having regard to the draft Protocol amending the Agreement between the European Union and Japan for an Economic Partnership (16006/2023),
 - 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) of the Treaty on the Functioning of the European Union (C9-0018/2024),
 - 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 (A9-0081/2024),
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).

MINORITY POSITION

Pursuant to Rule 55(4) of the Rules of Procedure

Inma Rodríguez-Piñero on behalf of the S&D group
Barry Andrews on behalf of Renew Europe group

We the undersigned political groups wish to state that whilst we lend support to the content of this report we do not endorse the political views of the rapporteur nor the group he represents.

**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.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Protocol amending the Agreement between the European Union and Japan for an Economic Partnership regarding free flow of data
References	16005/2023 – C9-0018/2024 – 2023/0450(NLE)
Date of consultation or request for consent	31.1.2024
Committee responsible Date announced in plenary	INTA 26.2.2024
Committees asked for opinions Date announced in plenary	LIBE 26.2.2024
Not delivering opinions Date of decision	LIBE 16.1.2024
Rapporteurs Date appointed	Danilo Oscar Lancini 12.12.2023
Discussed in committee	25.1.2024
Date adopted	7.3.2024
Result of final vote	+ : 31 - : 2 0 : 4
Members present for the final vote	Barry Andrews, Geert Bourgeois, Saskia Bricmont, Jordi Cañas, Danuta Maria Hübner, Karin Karlsbro, Miapetra Kumpula-Natri, Danilo Oscar Lancini, Bernd Lange, Thierry Mariani, Margarida Marques, Emmanuel Maurel, Samira Rafaela, Catharina Rinzema, Inma Rodríguez-Piñero, Helmut Scholz, Dominik Tarczyński, Kathleen Van Brempt, Marie-Pierre Vedrenne, Jürgen Warborn, Jan Zahradil
Substitutes present for the final vote	Marek Belka, Anna Cavazzini, José Manuel García-Margallo y Marfil, Enikő Győri, Cristina Maestre Martín De Almagro, Javier Moreno Sánchez, Manuela Ripa, Witold Jan Waszczykowski
Substitutes under Rule 209(7) present for the final vote	Andrea Bocskor, Paola Ghidoni, Ivo Hristov, Virginie Joron, Ska Keller, Dace Melbārde, Wolfram Pirchner, Aušra Seibutyté
Date tabled	8.3.2024

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

31	+
ECR	Geert Bourgeois, Dominik Tarczyński, Witold Jan Waszczykowski, Jan Zahradil
ID	Paola Ghidoni, Virginie Joron, Danilo Oscar Lancini, Thierry Mariani
NI	Andrea Bocskor, Enikő Győri
PPE	José Manuel García-Margallo y Marfil, Danuta Maria Hübner, Dace Melbārde, Wolfram Pirchner, Aušra Seibutytė, Jörgen Warborn
Renew	Barry Andrews, Jordi Cañas, Karin Karlsbro, Samira Rafaela, Catharina Rinzema, Marie-Pierre Vedrenne
S&D	Marek Belka, Ivo Hristov, Miapetra Kumpula-Natri, Bernd Lange, Cristina Maestre Martín De Almagro, Margarida Marques, Javier Moreno Sánchez, Inma Rodríguez-Piñero, Kathleen Van Brempt

2	-
The Left	Emmanuel Maurel, Helmut Scholz

4	0
Verts/ALE	Saskia Bricmont, Anna Cavazzini, Ska Keller, Manuela Ripa

Key to symbols:

+ : in favour

- : against

0 : abstention