



# Agreement in Principle

## Japan-EU EPA "Free Flow of Data" Provisions

October 2023

### 1. Background

- ◆ The Japan-EU EPA stipulates that **the need for inclusion of provisions on the "free flow of data" shall be reassessed within three years of the date of entry into force of the Agreement (Article 8.81)**. Based on this Article, negotiations began in October 2022.
- ◆ On October 28, 2023, **at the 4<sup>th</sup> Japan-EU High-Level Economic Dialogue, the Ministers of Japan** (Ms. KAMIKAWA Yoko, Minister of Foreign Affairs, Mr. NISHIMURA Yasutoshi, Minister of Economy, Trade and Industry) **and the EU** (Mr. Valdis Dombrovskis, Executive Vice President of the European Commission for an Economy that Works for People, European Commissioner for Trade) **confirmed the agreement in principle on the negotiations**. Both sides consented to accelerate procedures towards an early signing of the amendment to the Agreement.

### 2. Overview of provisions

- ◆ **Commitment to ensuring the cross-border transfer of information**
- ◆ **Obligation not to adopt or maintain measures which prohibit or restrict cross-border transfer of information, such as data localisation measures**
- ◆ **Ensured room for appropriate policy measures in exceptional circumstances from the viewpoint of personal information protection and legitimate public policy objectives**

### 3. Values

- ◆ **Ensure predictability** through the development of rules and contribute to the facilitation of cross-border transfer of information between Japan and the EU.
- ◆ Contribute to the promotion of the use of e-commerce and digital technology by about 600 million people in Japan and the EU and **serve as a foundation for business facilitation in the huge digital market in Japan and the EU, thereby contributing to strengthening economic ties between Japan and the EU as like-minded partners**.
- ◆ **Contribute to the realization of the Data Free Flow with Trust (DFFT) concept advocated by Japan as an example of advanced digital trade rules that promote sound development of the digital sector**.