

Steering brief

Scene setter

You will participate in a high-level dialogue with CEOs, organised by BusinessEurope.

President von der Leyen will be the first speaker (13h30-14h10). She will take a series of thematic questions from CEOs, which will include questions on competitiveness, the single market and sources of growth.

You will be the second speaker, introduced by Frederik Persson, President of BusinessEurope, and your session with CEOs will take place from 14h30-15h40.

The organisers have shared a list of preliminary questions that the CEOs are likely to raise with you. Topics covered include standardisation, Artificial Intelligence, Critical Raw Materials, data (data free flow with trust – cooperation with Japan), bioeconomy-forestry, digital skills, connectivity, Chips Act (cooperation with Japan) and the German proposal for a European platform for transformation technologies.

Your briefing file contains suggested replies to these questions.

Following your intervention, Commissioners Gentiloni and Breton will also participate in the dialogue with CEOs. EVP Dombrovskis will host a dinner debate with CEOs later in the evening.

The meeting will be an opportunity to reassure CEOs of the undisputed role of the industry in ensuring resilience of the Single Market and to discuss the various ongoing actions of the Commission in response to the COVID-19 pandemic and Russia's invasion of Ukraine, which have shown that some of the current rules and tools for the Single Market are insufficiently adapted to crises and emergencies.

Data Free Flow with Trust

This event provides an opportunity to showcase how the EU and Japan are working together on the realisation of the DFFT agenda, in particular at the OECD on government access to data in the law enforcement and national security area. In addition, it also provides an opportunity to stress the “trust” component of the DFFT, and the central role of data protection for trusted data flows. This would be an important message to ensure that, in further defining and operationalising the DFFT in the future, the data protection element will be strong. It comes at a time when, **in negotiations at the WTO on digital trade**, the EU and G7 members such as Japan, US, Canada and the UK have expressed **diverging positions on possible new rules on cross-border data flows**.

The concept of Data Free Flow with Trust (DFFT - originally formulated by Japan) indeed seeks to combine two objectives: to ensure that data can flow freely across borders while maintaining the necessary confidence (trust) of the various actors involved (e.g., individuals, companies) for this to happen. The “trust” reference therefore refers to the idea that appropriate safeguards, in particular data protection guarantees, must be in place during transit and in particular in the receiving jurisdiction, so that citizens/consumers can trust that their data will not be misused. These safeguards should apply to companies (data importers) but may also concern public authorities when they access the data that has been transferred (government access).

Ultimately, the “trust” reference points to the need to ensure the **continuity of the protection afforded in the data exporter's jurisdiction**, as a condition for personal data to be transferred abroad. Besides the EU, this principle is found in various like-minded jurisdictions, including Japan.

The DFFT concept also reflects the idea that data protection contributes to consumer trust and thus **promotes the development of the digital economy**.

The EU has consistently supported the concept of DFFT in international fora, where it has been **endorsed in a series of recent G7 and G20 statements**. Furthermore, in their

April 2021 Declaration, the G7 Ministers acknowledged the importance of another stream of work that is related to the DFFT, namely the **work currently ongoing in the OECD** to agree on high-level principles for government access to personal data held by the private sector. This underlines the importance of ensuring privacy and data protection, both by commercial operators and against **disproportionate government interference**, as a pre-condition for data flows.

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