



EU-Japan Centre for Industrial Cooperation

一般財団法人
日欧産業協力センター

Japanese policy and regulatory developments

Tokyo, 1, November 2024

Prepared by
Nishimura & Asahi Europe Rechtsanwaltsgesellschaft mbH

For further inquiries: <https://www.eu-japan.eu/be-informed>

Table of Contents

Appeal for Opinions on Proposed Revision of the Guidelines for Consumer Protection Rules for the Telecommunications Business Act	3
Appeal for Opinions on the Act on Promotion of Competition for Specified Smartphone Software	3
Announcement of Results of Appeal for Opinions and Summary of the Study Group on How to Ensure Soundness of Information Distribution in Digital Space	4
Study Group for AI Policy	4
Announcement of Results of Appeal for Opinions on “The Digital Governance Code 3.0 – Toward Enhancement of Corporate Value by DX Management –”	5
Study Group on Promotion of Competition for Specified Smartphone Software.....	5
Announcement of Results of Appeal for Opinions and “Study Group on Next-Generation ITS Communications in the Automated Driving Age (Second Phase) Interim Report”	6
Announcement of Results of Appeal for Opinions on the Interim Report on the Review of the Act on the Protection of Personal Information.....	6

Appeal for Opinions on Proposed Revision of the Guidelines for Consumer Protection Rules for the Telecommunications Business Act¹

(Ministry of Internal Affairs and Communications, September 6)

- The Ministry of Internal Affairs and Communications (MIC) has published a revised version of the Guidelines for Consumer Protection Rules for the Telecommunications Business Act.
- These guidelines explain the matters that telecommunications carriers should comply with and the measures they should take voluntarily in order to protect users of telecommunications services such as mobile phone services, Internet connection services, and fixed-line telephone services.
- The proposed amendments include points to note when posting explanations on websites (avoiding dark patterns, etc.) as an additional measure along with oral explanations that telecommunications carriers may use in pre-contract explanations to users, at a user's request, and points to note when electronically delivering written contracts.
- The MIC plans to promptly revise these guidelines based on the results of the public comments on the proposed revisions collected between September 7 and October 7, 2024.

Appeal for Opinions on the Act on Promotion of Competition for Specified Smartphone Software²

(Japan Fair Trade Commission, September 9)

- In order to prepare for implementation of the Act on Promotion of Competition for Specified Smartphone Software, including the formulation of guidelines for it, and to ensure its effective operation after it comes into force, the Japan Fair Trade Commission (JFTC) is seeking a wide range of information on actual transactions between service recipients and businesses that provide specified software and application service providers, the concept for future new service provision, etc. triggered by the act, opinions on monitoring by the JFTC of the act, and the like.
- The information collection was planned to be performed between July 31 and September 8, but is still ongoing. Anyone can provide relevant information on the JFTC's [website](https://www.jftc.go.jp/soudan/jyohoteikyo/smartphone_software.html).

¹ https://www.soumu.go.jp/menu_news/s-news/01kiban08_03000436.html (in Japanese)

² https://www.jftc.go.jp/soudan/jyohoteikyo/smartphone_software.html (in Japanese)

Announcement of Results of Appeal for Opinions and Summary of the Study Group on How to Ensure Soundness of Information Distribution in Digital Space³

(Ministry of Internal Affairs and Communications, September 10)

- The MIC made an appeal for opinions on the “Draft Summary of the Study Group on How to Ensure Soundness of Information Distribution in Digital Space” from July 20 to August 20, 2024.
- Based on the results, the MIC published the “Report of the Study Group on How to Ensure Soundness of Information Distribution in Digital Space” and the results of an appeal for opinions on the draft.
- The report confirmed that there are risks related to information distribution in the digital space, such as the distribution and spread of false and misinformation, as well as structural risks, such as the attention economy and filter bubbles giving rise to said distribution and spread of false and misinformation.
- These risks are common to other countries, and it is necessary to address them through cooperation with other countries. In Japan, the Information Distribution Platform Act (a law corresponding to the Digital Services Act) was enacted, which requires measures to speed up responses to information infringing rights and to make the operational status of information deletion, etc. more transparent.
- The report proposes “comprehensive measures” necessary to ensure the soundness of information distribution in the digital space, in addition to clarifying the basic principles and the roles and responsibilities of the parties involved (information transmission platform operators, advertisers, advertising agencies, advertising intermediation platform operators, and other stakeholders).

Study Group for AI Policy⁴

(Cabinet Office, Government of Japan, September 10 and 12)

- The AI Policy Study Group was established to discuss Japan’s AI policy from a systems perspective in August 2024. Following its establishment in August, on September 10 and 12, the AI Policy Study Group conducted hearings with various stakeholders, such as businesses, including both developers and deployers, big tech companies, domestic companies, a working group member for standardization in the Information Processing Society of Japan, and a professor, on the risks of AI and institutional measures to address those risks.
- After analyzing the feedback obtained through the hearings, the AI Policy Study Group will proceed with discussions on what kinds of approaches Japan should adopt for its AI policy.
- Several members opined on caring about harmonization with international rules and

³ https://www.soumu.go.jp/menu_news/s-news/01ryutsu02_02000417.html (in Japanese)

⁴ https://www8.cao.go.jp/cstp/ai/ai_kenkyu/ai_kenkyu.html (in Japanese)

standards based on the hearings.

- The connection between laws and harmonization standards in the EU is mentioned for reference.

Takeaway: We need to keep an eye on the discussions in the AI Policy Study Group until the expert meetings finish to see how Japan's AI policy progresses.

Announcement of Results of Appeal for Opinions on “The Digital Governance Code 3.0 – Toward Enhancement of Corporate Value by DX Management –”⁵

(METI, September 19)

- METI made an appeal for opinions on “The Digital Governance Code 3.0 – Toward Enhancement of Corporate Value by DX Management –” from August 8 to September 13, 2024 and revised it on September 19, 2024.
- The revised Digital Governance Code emphasizes its purpose, “Enhancement of Corporate Value by DX Management,” and describes the importance of data utilization and data collaboration in management.
- Regarding the biggest challenge in promoting DX, which is developing and securing digital talent, it emphasizes the importance of visualizing employee skills, changing the mindsets of executives and managers, and supporting career development.
- Regarding cybersecurity risks, which are becoming more complex, it emphasizes the importance of third-party audits and measures to protect supply chains.

Study Group on Promotion of Competition for Specified Smartphone Software⁶

(Japan Fair Trade Commission, September 25)

- The Act on Promotion of Competition for Specified Smartphone Software (a law corresponding to the Digital Markets Act) was enacted in June 2024 to promote innovation through competition while ensuring security for software that is particularly necessary for smartphone use, and to enable consumers to benefit.
- In preparation for implementation of the act, a “Study Group on Promotion of Competition for Specified Smartphone Software” will be held approximately once a month (the first meeting was held on September 30, 2024).
- The committee will be made up of experts and will be closed to the public, but minutes of the meetings will be made public.

⁵ <https://public-comment.e-gov.go.jp/pcm/1040?CLASSNAME=PCM1040&id=595124093&Mode=1> (in Japanese)

⁶ https://www.jftc.go.jp/houdou/pressrelease/2024/sep/240925_digitaloffice_kentokai.html (in Japanese)

Announcement of Results of Appeal for Opinions and “Study Group on Next-Generation ITS Communications in the Automated Driving Age (Second Phase) Interim Report”⁷

(Ministry of Internal Affairs and Communications, September 13)

- The MIC made an appeal for opinions on the draft of the “Interim Report of the Study Group on Next-Generation ITS Communications in the Automated Driving Age (Second Phase)” from July 17 to August 21, 2024, and based on the results, “the Interim Report of the Study Group on Next-Generation ITS Communications in the Automated Driving Age (Second Phase)” was published.
- For the era of automated driving, expectations are rising for intelligent transport systems (ITS) that utilize information and communication technology, as well as for communication between cars and various objects (vehicle-to-everything (V2X) communication). Around the world, particularly in Europe and the United States, active research is being conducted into the practical use of V2X communication.
- In Japan, in light of discussions at the International Telecommunication Union (ITU), the Frequency Reorganization Action Plan (2022 edition) will consider specific measures for the use of frequencies in the 5.9 GHz band in addition to the existing ITS frequency bands (760 MHz band, etc.) for V2X communications.

Announcement of Results of Appeal for Opinions on the Interim Report on the Review of the Act on the Protection of Personal Information⁸

(The Personal Information Protection Commission, September 4)

- The Act on the Protection of Personal Information (APPI) is under review, which is conducted every three years. The results of the public comments on the interim report of the review conducted between June 27 and July 29 were published on September 4.
- The big picture for updating the rules on biometric data, proper collection, prohibition of inappropriate use, disclosure to third parties, personal information of children, remedies for data subjects, efficient monitoring and enforcement (e.g., administrative fines and data breach notifications), and the like is shown in the interim report.
- A larger number of comments were provided on personal information of children and biometric data compared to the other topics. Several comments recommended that the review focus on the fundamental values of the APPI to protect the rights and interests of individuals in each aspect subject to review.
- Given the collected comments, the Personal Information Protection Commission (PPC) is discussing with various stakeholders how to update the APPI. In parallel, a special committee plans to discuss and organize its report on administrative fines and a group

⁷ https://www.soumu.go.jp/menu_news/s-news/01kiban14_02000660.html (in Japanese)

⁸ <https://public-comment.e-gov.go.jp/pcm/1040?CLASSNAME=PCM1040&id=240000111&Mode=1> (in Japanese)

injunction and restitution scheme within this year.

Takeaway: Based on the public comments, the PPC will focus more on the core values to be protected under the APPI in the course of reviewing each issue. We need to keep an eye on the regular discussions in the PPC along with those of its special committee to see how the next amendment of the APPI will be implemented.

DISCLAIMER: The information contained in this report has been compiled by one or several independent experts and reflects the views of the author(s) indicated on the front page and above, and not necessarily the views of the EU-Japan Centre for Industrial Cooperation nor the views of the European Authorities. It is made available for general information and non-commercial purposes only. It does not claim to be comprehensive or up to date and is not intended to provide legal or other advice. No person should rely on the contents of this report – or of internet web sites or other information sources indicated in this report – without first obtaining advice from a qualified professional person. This report is made available on the terms and understanding that the EU-Japan Centre for Industrial Cooperation and the European Authorities, which have not verified its content, are not responsible for the results of any actions taken - or omitted to be taken - on the basis of information in this report, nor for any error in or omission from this report, or for



Co-funded by
the European Union

any plagiarism. The EU-Japan Centre for Industrial Cooperation and the European Authorities expressly disclaim all and any liability and responsibility to any person in respect of anything and the consequences of anything, done or omitted to be done by any such person in reliance, whether wholly or partially, upon the whole or any part of the contents of this report. Without limiting the generality of the above neither the EU-Japan Centre for Industrial Cooperation nor the European Authorities shall have any responsibility for any act or omission of the author(s) of this report.

Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Innovation Council and SMEs Executive Agency (EISMEA). Neither the European Union nor the granting authority can be held responsible for them.

COPYRIGHT: The contents of this report are protected by copyright under international conventions. Reproduction is authorized for non-commercial purposes, provided that (i) the name of the author(s) is indicated and the EU-Japan Centre for Industrial Cooperation is acknowledged as the source, (ii) the text is not altered in any way and (iii) the attention of recipients is drawn to this warning. All other use and copying of any of the contents of this report is prohibited unless the prior, written and express consent of the EU-Japan Centre for Industrial Cooperation is obtained. All logos and figures published in this report are copyrighted and may not be reproduced without the full consent of their respective author(s).

GOVERNING LAW AND JURISDICTION: Any dispute arising from or related to the use of this report and/or the information in this report shall be submitted to the exclusive jurisdiction of the competent courts in Brussels, Belgium, which will apply Belgian law, with the exclusion of private international law rules.

Published by the EU-Japan Centre for Industrial Cooperation – Office in the EU (Director: Diane Van Bockstal). Rue Marie de Bourgogne, 52/2 B-1000 Brussels, Belgium.