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Prepared by
Nishimura & Asahi Europe Rechtsanwaltsgesellschaft mbH



Noriya Ishikawa
Kei Hattori
Renato Yamazaki

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

Table of Contents

The Fourth Study Group on the Civil Liability Framework for the Utilization of AI.....	3
The First Study Group on the AI Robotics Strategy	4
Japan–ASEAN Digital Ministers’ Meeting	6
Policy Direction for Amendment of the APPI	7
Economic Security Management Guidelines (First Edition)	9

Digital-Related Matters

The Fourth Study Group on the Civil Liability Framework for the Utilization of AI¹

(Ministry of Economy, Trade and Industry, January 14)

- On January 14, 2026, the Ministry of Economy, Trade and Industry (METI) held the Fourth Study Group on the Civil Liability Framework for the Utilization of AI. The meeting followed the first three sessions held on August 19, October 1, and December 3, 2025, which were reported in the October 2025, December 2025, and February 2026 issues of this monthly report.²
- At this session, opinions were exchanged regarding the draft report of the Study Group, in addition to discussions on key issues 1 and 2 (as detailed below). It was proposed that the draft report of the Study Group be finalized in the first week of February and reflect the discussions at the fourth meeting. After being finalized, the report will be translated into English and become subject to public consultation, with the goal of publication approximately by the end of March 2026.
- Key issue 1 involves the allocation of responsibility according to different types of AI. In the draft report, AI is generally classified into two categories: “Decision-support AI” and “Decision-making AI.” Decision-support AI refers to AI that is used as a tool to support human decision-making, where the final decision is expected to be made by humans or through human action. In such cases, for AI users, the level of the duty of care remains unchanged regardless of whether AI is used, and users are required to exercise judgment and take actions appropriately based on the specific circumstances of each case, while for AI developers and providers, they can be required to take design and explanatory measures to a certain extent (e.g. clear explanation of the function, capability limitation, and usage means of AI). On the other hand, Decision-making AI refers to AI that is intended to serve as a substitute wholly or in part for human decision-making or actions, where users are expected to respect its output. In this case, the duty of care focuses on responsibility for establishing and operating technical and organizational measures to control the AI system as a whole, while AI developers and providers are required to take design measures reasonably feasible to ensure safety and explanatory measures for users. While most AI systems are considered categorized as Decision-support AI, those that meet certain requirements may constitute Decision-making AI. In such cases, the responsibility of each party will be reviewed on the

¹ https://www.meti.go.jp/shingikai/mono_info_service/ai_utilization_civil/004.html (in Japanese)

² <https://www.eu-japan.eu/publications/monthly-japanese-policy-and-regulatory-developments-news-october-2025>, <https://www.eu-japan.eu/publications/monthly-japanese-policy-and-regulatory-developments-news-december-2025>, <https://www.eu-japan.eu/publications/monthly-japanese-policy-and-regulatory-developments-news-february-2026>

premise that the AI's evaluations will be respected and relied upon.

- Key issue 2 involves the duty of care for the establishment and operation of appropriate frameworks for advanced systems, such as AI agents/agentive AI. Rather than introducing new or special liability rules for AI agents/agentive AI, it is appropriate to rely on the classification framework set forth in key issue 1, which distinguishes between Decision-support AI and Decision-making AI. Based on the actual manner of use, the allocation of responsibility among AI users, developers and providers should be assessed depending on whether the AI agent/agentive AI merely supports human decision-making or whether the use of the system is based on relying on and respecting the AI's decisions. In addition, key issue 2 provides an example of the use of AI agents/agentive AI in customer support. In such cases, AI users are expected to take responsibility for establishing and operating appropriate frameworks, including designing systems to account for foreseeable risks, creating mechanisms that allow for human intervention in the event of errors or inappropriate behavior by the AI, and monitoring and improving system operation.

Takeaway: In the first to fourth study groups, approaches to responsibility regarding different forms of AI utilization have been clarified, while maintaining the existing legal framework. In particular, the discussions indicate that the assumptions pursuant to which AI is used and the operational and governance frameworks established for its use will be important factors in making future assessments regarding civil liability for the use of AI. The final report is expected to be published approximately toward the end of March 2026 and should be reviewed carefully.

The First Study Group on the AI Robotics Strategy³

(Ministry of Economy, Trade and Industry, January 21)

- The first meeting of the Study Group on the AI Robotics Strategy was held on January 21, 2026. The group brought together experts from sectors that utilize robotics, including industry practitioners involved in AI robotics and academic researchers, and was attended by various government ministries as observers. The participants seek to develop an integrated AI Robotics Strategy to (i) promote the development of AI robotics and (ii) accelerate the deployment of robots across a wide range of sectors.
- In discussing the AI Robotics Strategy, the Ministry of Economy, Trade and Industry (METI) highlighted four key issues: (i) strengthening domestic supply chains by supporting manufacturers developing multi-purpose robot (including humanoids) and identifying critical components and software therefor; (ii) establishing an ecosystem for high-quality data collection and processing and developing multi-modal AI models

³ https://www.meti.go.jp/shingikai/mono_info_service/ai_robotics_strategy/001.html (in Japanese)

for robotics; (iii) identifying priority sectors for early AI robotics deployment and preparing the necessary introduction environments; and (iv) developing Centers of Excellence (CoEs) and enhancing R&D, testing environments, and talent development through stronger industry-academia-government collaboration.

- As noted in the “Outline of the Direction for the AI Robotics Strategy” featured in the December 2025 issue of this monthly report,⁴ METI previously indicated its intention to promote coordination between the supply side and the demand sides to develop, implement, and bring multi-purpose robots to the market. According to materials presented at the meeting, demand-side initiatives include fostering early public-sector demand in areas such as disaster response, defense/space, and infrastructure maintenance, as well as promoting robot adoption in long-tail markets (including retail, manufacturing, security, construction, transportation, agriculture, fisheries, nursing care, and shipbuilding) through the development of sector-specific implementation roadmaps.
- METI also outlined the internal process for formulating the AI Robotics Strategy. By March 2026, the Study Group is expected to formulate a draft AI Robotics Strategy along with draft sector-specific implementation roadmaps. These will then be reviewed and finalized by the Inter-Ministerial Liaison Committee on AI Robotics and its working group to be established under the Assistant Chief Cabinet Secretary. Thereafter, the final strategy and an approximate 10-year roadmap will be reviewed annually and updated as necessary.
- With respect to the formulation of the implementation roadmaps, METI is currently working with the relevant ministries to:
 - (i) identify automation challenges and robot-related needs in each market;
 - (ii) identify common development needs and challenges across markets; and
 - (iii) assess technical feasibility timelines on the supply side.

Takeaway: The draft AI Robotics Strategy and implementation roadmaps is expected to be formulated by March 2026. EU companies involved in Japan’s AI robotics market should closely monitor the discussions across the three Study Group meetings.

⁴ <https://www.eu-japan.eu/publications/monthly-japanese-policy-and-regulatory-developments-news-december-2025>

Japan–ASEAN Digital Ministers’ Meeting^{5 6}

(Digital Agency, January 21, and Ministry of Internal Affairs and Communications, January 15)

- The Japan–ASEAN Digital Ministers’ Meeting was held in Hanoi on January 15, 2026. The meeting is the only ministerial level meeting in which the ministers in charge of the ICT/digital sector from Japan and the ASEAN member states have met to decide on initiatives and cooperation in the digital sector.
- In the meeting, the “ASEAN-Japan Digital Work Plan 2026”⁷ proposed by Japan, was welcomed by ASEAN. The Work Plan focuses on (i) AI and digital policy, (ii) cybersecurity, (iii) digital infrastructure and digital transformation, and (iv) cooperation and coordination including support through funds, active participation in ASEAN-related meetings, and bilateral policy dialogues.
- The participants discussed initiatives to promote Data Free Flow with Trust (DFFT) led by the Digital Agency of Japan. Specifically, Japan and ASEAN affirmed their cooperation in four priority domains: (i) secure data sharing through technologies such as Privacy-Enhancing Technologies (PETs), (ii) promotion of cross-border transfers of personal data, (iii) enhancing the transparency of regulations, and (iv) data governance for the development of AI. Representatives of ASEAN’s member states emphasized the importance of these efforts and identified concrete actions to advance them, including promoting the use of global Cross-Border Privacy Rules (CBPR) and Model Contractual Clauses and raising awareness of PETs.
- In addition, the “ASEAN-Japan Digital Ministers’ Joint Statement on Promoting Safe, Secure and Trustworthy Artificial Intelligence” was adopted to enhance ASEAN–Japan cooperation regarding AI, including developing ASEAN-wide and global AI ecosystems.

Takeaway: Based on the “ASEAN–Japan Digital Work Plan 2026” and “ASEAN–Japan Digital Ministers’ Joint Statement on Promoting Safe, Secure, and Trustworthy Artificial Intelligence”, Japan and ASEAN will proceed with developing measures for collaboration in the ICT and digital fields. The next meeting is scheduled to be held in Brunei in January 2027.

⁵ <https://www.digital.go.jp/news/2645fc17-4faa-40f7-8b03-b4097a914d44> (in Japanese)

⁶ https://www.soumu.go.jp/menu_news/s-news/01tsushin09_02000190.html (in Japanese)

⁷ https://www.soumu.go.jp/main_content/001050577.pdf

Data Protection

Policy Direction for Amendment of the APPI⁸

(Personal Information Protection Commission, January 9)

- On January 9, 2026, the Personal Information Protection Commission of Japan (“PPC”) published the Policy Direction for Amendment of the Act on the Protection of Personal Information (Act No. 57 of 2003) (“APPI”) (“Policy Direction”), with a view toward promptly submitting a draft amendment to the Diet. The proposal seeks to promote AI development and utilization while strengthening regulatory oversight, including the introduction of administrative fines. For further details, please see the related newsletter.⁹
- This Policy Direction is structured around the following four key pillars.
 - Promotion of Appropriate Data Utilization: This pillar proposes revising the consent framework to balance proper data utilization with the protection of data subjects’ rights and trust. For example, it proposes that prior consent not be required where personal data is used exclusively for the creation of statistical information, etc. (including AI development categorized as such), subject to conditions set forth in the amended supplementary provisions. It also proposes that prior consent not be required where the processing of personal data does not conflict with the data subject’s intent or harm their rights or interests.
 - New Rules to Properly Address Risks: This pillar proposes new rules to address evolving risks to individuals’ rights and interests. For example, for children under the age of 16, it is proposed that consent and notification requirements direct to their legal representatives, that the requirements for suspension or erasure requests be relaxed, and that their best interests be given primary consideration. With respect to biometric data (e.g., data containing individuals’ facial features), it proposes that certain matters be required to be made publicly available, that requirements for suspension or erasure requests be relaxed, and that the provision of personal data to third parties made pursuant to the opt-out mechanism be prohibited.
 - Prevention of Inappropriate Use and Improper Acquisition: This pillar proposes prohibiting the inappropriate use and improper acquisition of personal information that enables targeted approaches to relevant data subjects, and requiring confirming recipients’ identities and the intended purposes of use for the provision of personal data to third parties made pursuant to the opt-out mechanism.

⁸ https://www.ppc.go.jp/files/pdf/01-1_seidokaiseihousin.pdf (in Japanese)

⁹ https://www.nishimura.com/sites/default/files/newsletters/file/data_protection_260120_en.pdf

- **Strengthening Enforcement (incl. Administrative Fines):** This pillar proposes that administrative fines be imposed for severe infringements of data subjects' rights and interests under the APPI. The proposal also expands the PPC's order and recommendation powers and strengthens criminal penalties.

Takeaway: This Policy Direction seeks to address the challenges arising from evolving legal practices and technological developments within the existing APPI framework. Its approach to facilitating the use of personal data in AI development (similar to the simplification proposal under the EU Digital Omnibus), strengthening the protection of minors, and introducing administrative fines reflects greater alignment with global regulatory trends amid the globalization of corporate activities. Further developments in the amendment of the APPI warrant close attention.

Economic Security

Economic Security Management Guidelines (First Edition)¹⁰

(Ministry of Economy, Trade and Industry, January 23)

- On January 23, the Ministry of Economy, Trade and Industry published the Economic Security Management Guidelines (First Edition). The guidelines are intended to serve as recommendations for companies that are developing management strategies which look beyond maximizing short-term profits. The guidelines also are designed to help companies mitigate losses arising from economic security risks over the medium to long-term, while maintaining and enhancing corporate value.
- As international conditions become increasingly unstable, protecting businesses from economic security risks while achieving sustainable growth has become a common challenge across various industries. Accordingly, the guidelines have been drafted to be broadly applicable and are not targeted toward any specific industry, business model, or company size.
- The guidelines are primarily intended for executives and other management personnel, as they are designed to support management decisions that take economic security risks into account, such as changes in suppliers or customers, investments in research and development, and corporate acquisitions. In addition, the guidelines are useful for practitioners who support management (along with relevant documents), as well as for enhancing understanding and facilitating dialogues between internal and external stakeholders.
- The guidelines focus on addressing economic security risks that are difficult to manage through compliance with domestic laws alone, such as the strengthening of border control measures by foreign governments and risks of technology leakage. Specifically, they outline (i) initiatives to ensure companies' autonomy by avoiding overreliance on specific countries or companies and establishing stable supply systems, (ii) initiatives to ensure indispensability by fostering innovation and protecting critical assets so that a company will be indispensable to the international community, and (iii) the strengthening of economic security responses in order to effectively implement these initiatives.
- A checklist which summarizes the recommended items set forth in the guidelines has been published (in Excel format).

Takeaway: The checklist accompanying the guidelines can serve as a practical reference tool for assessing a company's current status and considering future response measures. In addition, the guidelines will be updated as Japan's economic security environment continues to evolve and the risks faced by both Japan and companies change accordingly. The relevant stakeholders are encouraged to review any future updates.

¹⁰ <https://www.meti.go.jp/press/2025/01/20260123004/20260123004.html> (in Japanese)

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