

DRONE REGULATION

Japan



Drone Regulation

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Quick reference guide enabling side-by-side comparison of local insights into basic rules, regulators and drone classifications; drone design, manufacture, registration and identification; certification and licensing of drone operation; operations and maintenance; airspace; liability and accidents; import and export control; data privacy and IP protection; and recent trends.

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GENERAL FRAMEWORK

Basic rules and regulators

What basic rules govern the operation of remotely piloted aircraft and unmanned aircraft (drones) in your jurisdiction? Which regulatory bodies are charged with enforcing these rules?

The Civil Aeronautics Act regulates the operation of drones and provides for prohibited airspace for flight, operating limitations and penalties for violations.

The Ministry of Land, Infrastructure, Transport and Tourism is the principal regulator of aviation matters, including drones. Any person who intends to operate drones in prohibited airspace, or otherwise beyond the limitations of allowed operations, must have permission or approval from the ministry. The ministry has published a set of standards that it applies when examining applications for permission or approval.

Prohibited airspace includes:

- airspace in which drones are likely to affect the safe operation of aircraft, which may be further classified into:
 - airspace above airports and their vicinity (which differs for each airport);
 - airspace where airplanes fly on rescue work during emergencies to be designated by the Ministry of Land, Infrastructure, Transport and Tourism from time to time; and
 - airspace 150 metres above ground or water surface; and
- airspace above any densely inhabited district that is so designated based on the results of the national census – a densely inhabited district is, in principle, any area with a population density of 5,000 people or more per square kilometre (eg, most of the Tokyo metropolitan area is a densely inhabited district).

Any person who intends to operate drones in prohibited airspace must have permission from the ministry.

Operating conditions that are absolute and without exception include the following.

- Drones are not to be operated while under the influence of alcohol or medication, including illegal drugs.
- Confirmation must be provided of all necessary preparations that have been completed, including confirming the externals (eg, that batteries, propellers and cameras are firmly installed onto the drones) and functions of the drones, weather and other flight conditions before operation.
- Drones must be operated in a manner that prevents any collisions with aircraft or other drones.
- Drones are not to be operated in a manner that causes any issues with third parties, including unnecessary noise or causing the drones to nosedive.

Operating conditions that require approval from the ministry include the following.

- Drones are to be operated in the daytime only.
- Drones must be operated within the visual line of sight of the operator.
- A certain operating distance (ie, 30 metres) must be maintained between drones and any persons or property on the ground or water surface.
- Drones must not be operated over event sites where large numbers of people gather.
- Drones must not be used to transport hazardous materials specified in the relevant ordinance.

- Objects must not be dropped from drones, except for the goods specified in the relevant ordinance.

The application for permission or approval must include certain information meeting the specific requirements of the standards, including:

- the applicant's name and address;
- information identifying the drones to be flown (eg, manufacturers, product names and weights of the drones) except for those identified on the ministry's website (eg, DJI Phantom series);
- the purpose, date and time, route and altitude of the intended flights;
- the reason for flying in prohibited airspace;
- the functions and performance data of the drones;
- flight records and operator ability and experience; and
- a safe-flight manual.

The Act Prohibiting Drone Flights over the Important Facilities prohibits the operation of drones over important facilities. The purpose of the law is to prevent dangerous activities in those facilities and to secure the central affairs of the state, maintenance of good international relationships and public safety. Thus, it differs from the purposes of the Civil Aeronautics Act, which secures the safety of aviation. Important facilities include the Houses of Parliament, the Prime Minister's Official Residence, buildings of the government ministries, the Supreme Court, the Imperial Palace, nuclear plants, the Self Defence Force bases and areas within approximately 300 metres of these facilities. The definition of 'drones' under this law is basically the same as that under the Civil Aeronautics Act. However, this law prohibits the operation of drones weighing less than 100 grams. Further, drone flights over important facilities and surrounding areas are allowed only if the operator:

- is an administrator of the facilities or has obtained the consent of the facility administrator;
- owns the land or has obtained the consent of the landowner; or
- operates the drones to perform services for state or local government and notifies the Public Safety Commission through the local police station with jurisdiction over the facilities 48 hours prior to each flight.

Any person who violates this law may be subject to up to 12 months' imprisonment or a fine of up to ¥500,000.

Law stated - 17 August 2022

What are the penalties for non-compliance with the laws and regulations governing drones?

Any person who violates the Civil Aeronautics Act regulations in general may be subject to a fine of up to ¥500,000. Any person who operates a drone while under the influence of alcohol or medication, including illegal drugs, above any public areas (eg, roads, parks, public squares and stations) may be subject to 12 months' imprisonment or a fine of up to ¥300,000.

Law stated - 17 August 2022

Classification

Is there any distinction between public and private drones, as well as between leisure use and commercial use?

There is no distinction between public and private drones. However, the Civil Aeronautics Act regulations generally do not apply to drones operated by the national or local government, or operators requested by the national or local government, to investigate accidents or natural disasters. There is no distinction between leisure and commercial use.

Law stated - 17 August 2022

Is there a weight-based classification system for drones resulting in the application of different rules?

The Civil Aeronautics Act defines 'unmanned aircraft' as follows:

- aeroplanes, helicopters, gliders, airships and other facilities that are available for aviation use as designated by the relevant ordinance of the Civil Aeronautics Act;
- aircraft that cannot be ridden by human beings due to their structure; and
- aircraft that may be operated remotely or automatically based on programming, except when such aircraft weighs less than 100 grams.

Therefore, only very light drones (eg, toy drones) are exempt from the definition of 'drones'.

Further, the Ministry of Land, Infrastructure, Transport and Tourism Standards provide requirements for drones that weigh less than 25 kilograms and those that weigh 25 kilograms or more, with the requirements for the latter being stricter than those for the former.

Law stated - 17 August 2022

Is there any distinction between completely autonomous drones and remotely piloted drones?

No, but the necessary information to be provided to the Ministry of Land, Infrastructure, Transport and Tourism on the applications for permission or approval differs to some extent.

Law stated - 17 August 2022

DESIGN AND MANUFACTURE

Regulation

Do specific rules regulate the design and manufacture of drones in your jurisdiction?

No, but the Ministry of Land, Infrastructure, Transport and Tourism examines whether each application complies with specified requirements under its standards. For example, any operator who intends to operate drones beyond the visual line of sight based on the Ministry's approval must prove, among other things, that the drones have a fail-safe function.

Further, the Diet approved amendments to the Civil Aeronautics Act in June 2021. The amendments will become effective on 5 December 2022. One amendment introduced a drone certification system. There will be two categories of certification: namely, a first-class certificate and a second-class certificate. Operating drones at level 4 requires a

first-class certificate. The details of the safety standards for drones to obtain either certification have not yet been determined. A part of the safety standards was under the public consultation process that ended on 30 June 2022, but the definitive standards have not yet been published. It is not envisaged that drones with a first-class certificate will be manufactured immediately after the effective date of the amendments. Rather, after acquiring enough information on drones that operate at level 3, the collected information will be shared with manufacturers of drones with the goal of rolling out drones with first-class certificates as quickly as possible after the effective date of the amendments.

Law stated - 17 August 2022

Manufacturing authorisation

Must drone manufacturers obtain any licences or other authorisation to carry out their business?
Are manufacturers subject to any other specific rules?

No.

Law stated - 17 August 2022

Product liability

Do general product liability rules (or other specific liability rules) apply to the manufacture of drones?

Yes. Under the Product Liability Act, any person who manufactures, processes or imports products will be liable for any damages arising from the infringement of life, body or property of others caused by any defects in the products. 'Products' means movables that are manufactured or processed, and thus this act also applies to drones. Software is not treated as a product since it is not movable.

Law stated - 17 August 2022

REGISTRATION AND IDENTIFICATION

Registration

Must drones be registered in a specific national registry? If so, who is entitled to register drones and what requirements and restrictions apply? Is the registry organised as an operator registry or an owner registry?

The Diet approved an amendment to the Civil Aeronautics Act in June 2020. The amendment became effective on 20 June 2022. Under the amendment, the owner of a drone is required to register the drone, including information on (1) the kind and manufacturer of the drone, (2) the name and address of the owner, and (3) the name and address of the operator. The registrant must display the registration mark (comprising numbers and letters) on the body of the registered drone and install the function to dispatch signals by radio wave by which the registration mark can be identified.

Law stated - 17 August 2022

Identification

Are drones identified through a marking system similar to that used for manned aircraft?

The registration mark (comprising numbers and letters) must be displayed on the body of the registered drone, and the function to dispatch signals by radio wave by which the registration mark can be identified must be installed.

Law stated - 17 August 2022

CERTIFICATION AND LICENSING

Basic requirements and procedures

What certificates or licences are required to operate drones and what procedures apply?

There are no specific certificates or licences. However, the application for permission must include certain information required by the Ministry of Land, Infrastructure, Transport and Tourism Standards, including on the ability of the operator. Under the standards, operators must in general have 10 hours or more of experience operating the same types of drone. Any operator who has completed drone operation classes provided by the organisations on the list published on the ministry's website is allowed to submit the certificate granted by such an organisation to prove the ability of the operator in lieu of the generally required ministry form.

According to the Roadmap Towards the Industrial Revolution in the Air published by the Council to Improve the Environment Regarding Drones on 28 June 2021, the government plans to introduce a certification or licensing system for operating drones to achieve level 4, which is the fourth phase whereby drones may be operated beyond visual line of sight over areas where third parties might be located (ie, cities instead of rural areas) in or after the 2022 fiscal year.

The Diet approved amendments to the Civil Aeronautics Act in June 2021. The amendments will become effective on 5 December 2022. One amendment introduced a licensing system for operators. There are two categories of licence: namely, a first-class licence and a second-class licence. Operating drones at level 4 requires a first-class licence. The details of the requirements for a drone operator to obtain the licences have not yet been determined.

Law stated - 17 August 2022

Taxes and fees

Are certification and licensing procedures subject to any taxes or fees?

When the owner of a drone registers the drone, they are required to pay the registration fee. Although the amount of the fee varies depending on whether or not the application is made online and whether or not multiple drones are registered at the same time, it is in the range of approximately ¥900 to ¥2,400 per drone.

Law stated - 17 August 2022

Eligibility

Who may apply for certifications and licences? Do any restrictions apply?

Not applicable since the amendment to the Civil Aeronautics Act in 2021 introducing a drone certification system has not become effective.

Law stated - 17 August 2022

Remote pilot licences

Must remote pilots obtain any certifications or licences to operate drones? If so, do the relevant procedures differ based on the type of drone or operation?

Not applicable since the amendment to the Civil Aeronautics Act in 2021 introducing a drone certification system has not become effective.

Law stated - 17 August 2022

Foreign operators

Are foreign operators authorised to fly drones in your jurisdiction? If so, what requirements and restrictions apply?

Yes, foreign operators may operate drones in Japan as long as they comply with the Civil Aeronautics Act. There are no differences in the requirements between Japanese and foreign operators.

Law stated - 17 August 2022

Certificate of airworthiness

Is a certificate of airworthiness required to operate drones? If so, what procedures apply?

A certificate of airworthiness is not required in general. However, for drones weighing 25 kilograms or more, airworthiness corresponding to the aircraft themselves is required under the ministry's standards.

Law stated - 17 August 2022

OPERATIONS AND MAINTENANCE

One drone, one pilot

Does the 'one drone, one pilot' rule apply in your jurisdiction?

No. However, drones must in general be operated within the visual line of sight of the operator. Therefore, if any person intends to operate multiple drones, they must all be within the operator's visual line of sight.

Law stated - 17 August 2022

Maintenance

Do specific rules regulate the maintenance of drones?

No.

Law stated - 17 August 2022

Basic operational rules and restrictions

What rules and restrictions apply to flights performed in 'visual line of sight' (VLOS) and 'beyond visual line of sight' (BVLOS)? Is there a distinction in this regard?

In general, drones must be operated within VLOS. Under the Civil Aeronautics Act, VLOS means that the operator can see the drones by the naked eye, which does not include seeing through binoculars.

According to the Roadmap Towards the Industrial Revolution in the Air, there are four phases regarding the use of drones. In the first and second phases, drones may be operated within VLOS. In the third phase, drones may be operated BVLOS over areas unlikely to be entered by third parties. To achieve this third phase of the roadmap, the Ministry of Land, Infrastructure, Transport and Tourism Standards were revised in September 2018 to add conditions for BVLOS flights without assistants. The conditions are stricter than those for BVLOS flights with assistants in terms of the drones' functions, operator experience and safety measures. For example, the additional requirements include:

- flight routes being in areas unlikely to be entered by third parties (eg, mountains, seas, rivers, lakes and forests);
- manufacturers certifying that the functions of the drones will not harm third parties;
- the ability of operators to determine, through the use of cameras built into the drones or on the ground, whether third parties may enter areas directly below the drone flight routes or surrounding areas; and
- the ability of operators to confirm, through the use of the same cameras, the status of aeroplanes that may enter the drone flight routes.

For the fourth phase, the roadmap schedules that drones may be operated BVLOS over areas where third parties may be located.

Law stated - 17 August 2022

What rules and restrictions apply to critical and non-critical operations? Is there a distinction in this regard?

The Civil Aeronautics Act provides for operating conditions, including the requirement to operate drones only in the daytime, and requires permission or approval from the ministry if any person intends to operate drones beyond the limitations of allowed operations.

Law stated - 17 August 2022

Transport operations

Is air transport via drone (eg, cargo and mail) regulated in your jurisdiction? If so, what requirements, limitations and restrictions apply?

The Civil Aeronautics Act does not differentiate air transport via drone from other operations, but there are guidelines regarding the delivery of cargo via drone published by the subgroup of the study group jointly established by the Ministry of Land, Infrastructure, Transport and Tourism and the Ministry of Economy, Trade and Industry. The guidelines are not legally binding.

Law stated - 17 August 2022

Do any specific provisions governing consumer protection and tracking systems apply with respect to cargo and delivery operations via drone?

No.

Law stated - 17 August 2022

Insurance requirements

What insurance requirements apply to the operation of drones?

There is no requirement to secure insurance, but the Ministry of Land, Infrastructure, Transport and Tourism must be notified of whether any operator obtains insurance when applying for permission or approval to operate drones in prohibited airspace or beyond the limitations of allowed operations.

Law stated - 17 August 2022

Safety requirements

What safety requirements apply to the operation of drones?

The application for permission must include certain information required by the ministry's standards, including a safe-flight manual. The ministry provides a boilerplate for such manuals.

Law stated - 17 August 2022

AIRSPACE

Air traffic control

How is air traffic control regulated in your jurisdiction? Which authority provides air traffic control services for drones?

The Ministry of Land, Infrastructure, Transport and Tourism is responsible for regulating air traffic. Although there is no centralised control system for drone flights, the Civil Aeronautics Act generally prohibits the operation of drones within airspace in which the drones are likely to affect the safe operation of aircraft.

Law stated - 17 August 2022

Restrictions

Are there any airspace restrictions on the operation of drones?

Yes. The Civil Aeronautics Act provides for prohibited airspace. Any person who intends to operate drones in prohibited airspace must have permission from the ministry.

Law stated - 17 August 2022

Take-off and landing

Must take-off and landing of drones take place in specific areas or facilities?

No.

Law stated - 17 August 2022

LIABILITY AND ACCIDENTS

Cargo liability

Are there any specific rules governing the liability of drones for losses or damage to cargo?

No. If any operator causes loss or damage to the cargo of any third party, such a party may seek damages against the operator under tort action of the Civil Code.

Law stated - 17 August 2022

Third-party liability

Are there any specific rules governing the liability of drones for damage to third parties on the surface or in the air?

No. If any operator causes loss or damage to any third party on the ground or water surface or in the air, such a party may seek damages against the operator under tort action of the Civil Code.

Law stated - 17 August 2022

Accident investigations

How are investigations of air accidents involving drones regulated in your jurisdiction?

There is no specific authority or body that investigates air accidents involving drones, but the Japan Transport Safety Board does investigate accidents involving aircraft, railways, vessels or any situations likely to cause such accidents, and the cause and extent of damage surrounding those accidents. When the amendment to the Civil Aeronautics Act in 2021 becomes effective on 5 December 2022, the Japan Transport Safety Board will have the authority to investigate air accidents involving drones.

Law stated - 17 August 2022

Accident reporting

Is there a mandatory accident and incident reporting system for drone operators in your jurisdiction?

There is no mandatory reporting system under the Civil Aeronautics Act, but the Ministry of Land, Infrastructure, Transport and Tourism Standards require operators to report to the ministry any:

- accidents or incidents of injury or death;
- damage to property owned by any third party;

- loss of drones during flight; and
- collisions or near misses with any aircraft.

The items to be reported are:

- the date of receipt of permission or approval for each flight and the permission or approval numbers;
- the names of the operators;
- when and where the accident or incident occurred;
- information about the drones (eg, product names and manufacturers);
- a summary of the accident or incident; and
- other relevant information.

The ministry discloses the reported information on its website.

Law stated - 17 August 2022

Safety management and risk assessment

Are drone operators required to implement safety management systems and risk assessment procedures within their organisation?

There are no specific requirements under the Civil Aeronautics Act. However, any person who obtains permission or approval from the ministry must prove that they have established the systems necessary to secure the safe flight of drones.

Law stated - 17 August 2022

ANCILLARY CONSIDERATIONS

Import and export control

Do specific import and export control rules apply to drones in your jurisdiction?

No.

Law stated - 17 August 2022

Data privacy and IP protection

How are personal data privacy and IP protection regulated in your country with specific reference to drone operations?

There are no specific references to drone operations.

Law stated - 17 August 2022

UPDATE AND TRENDS



Sector trends and regulatory developments

Which industry sectors have seen the most development in the use of drones in your jurisdiction and which sectors are expected to see further development in future? Have there been any notable recent regulatory developments relating to drones?

The Roadmap Towards the Industrial Revolution in the Air indicates that there will be future development in the sectors of logistics services, rescue work during emergencies (eg, earthquakes), agricultural business, infrastructure inspection services, surveying services and security services. For example, in or after the 2022 fiscal year, cargo deliveries by drone in areas likely to be entered by third parties (eg, cities) are expected to be realised and further developed, and the distribution of agrochemicals by drone will expand to areas of 1 million hectares or more.

The Civil Aeronautics Act was amended in 2015 to introduce safety rules regarding drones, in September 2019 to expand prohibited airspace and operation conditions, in June 2020 to introduce the registration system for drones, and in June 2021 to introduce the drone certification system and the licensing system. The Act Prohibiting Drone Flights Over Important Facilities was also amended in 2019 and 2020 to expand prohibited airspace.

A part of the safety standards that drones must comply with to obtain certification was under the public consultation process that ended on 30 June 2022, but the definitive standards have not yet been published. Further, the requirements for drone operators to be licensed are under the public consultation process until 23 August 2022.

Law stated - 17 August 2022

Jurisdictions

	Brazil	Basch & Rameh Advogados Associados
	Germany	Arnecke Sibeth Dabelstein
	Ireland	A&L Goodbody
	Italy	Pierallini Studio Legale
	Japan	Mori Hamada & Matsumoto
	Spain	Augusta Abogados