



日本貿易振興機構(ジェトロ)

ASEAN デジタル経済枠組み協定が実質合意

ASEAN Digital Economy Framework Agreement Substantially Concluded

【要約】

2025年10月、「ASEAN デジタル経済枠組み協定（DEFA）」の交渉が実質合意に至った。世界初の包括的な地域デジタル経済協定であり、2026年10月の署名、2027年後半から2028年頃の発効を目指している。

協定は、国境を越えたデータ流通、電子決済、個人情報保護、サイバーセキュリティ、AI ガバナンス、人材の移動という6つの主要分野を網羅する。具体的には、データの適法な移転メカニズムの構築、国際基準に準拠した電子記録の法的有効性の認可、ソースコードの強制開示からの保護、AI の倫理的開発に向けた協力枠組みの創設などが含まれる。

ASEAN は域内のデジタル経済が急速な成長する一方、各国の規制の一致していないことにより、ASEAN を一つの市場と捉えたビジネス活動が促進されにくい課題がある。DEFA は既存のデジタル施策を統合し、法的拘束力のある共通ルールを確立することでシームレスな経済圏の実現を図るものだ。ただし、加盟国間のデジタル化の進展度や既存の法整備状況の差により、実施の進捗にはばらつきが生じることが予想されている。企業はASEAN 当局との関係を構築し、段階的な自由化に備える必要がある。

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Title: ASEAN Digital Economy Framework Agreement Substantially Concluded

Country/Region: ASEAN, Indonesia

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Overview

On 24 October 2025, ASEAN Economic Ministers [announced the substantial conclusion](#) of the ASEAN Digital Economy Framework Agreement (DEFA) negotiations after 14 rounds since September 2023. While positioned as the world's first comprehensive regional digital economy agreement, DEFA's actual provisions remain subject to legal verification, with [signing expected in October 2026](#) and entry into force likely 12-18 months thereafter.

DEFA builds on existing ASEAN digital initiatives including the Single Window, digital payment systems, and ASEAN Unique Business Identification Number, [introducing provisions](#) on cross-border data flows, electronic payments, personal data protection, cybersecurity, AI governance, and talent mobility. The agreement aligns with the UNCITRAL Model Law on Electronic Transferable Records and establishes cooperation frameworks on emerging technologies.

For Japanese companies, DEFA represents both opportunity and uncertainty. The agreement addresses critical barriers including fragmented data governance, inconsistent payment systems, and divergent cybersecurity standards. However, substantial divergence in digital maturity among member states—from Singapore's advanced ecosystem to developing systems in Cambodia, Laos, and Myanmar—suggests implementation will be highly uneven with significant carve-outs and exemptions weakening binding commitments.

Details and Analysis

Data Governance: DEFA's cross-border data flow provisions will likely mirror RCEP's approach, which allows member states broad exemptions for "legitimate public policy objectives" including data localization, national security, and privacy concerns. RCEP Article 12.15(3) grants states autonomy to self-determine what constitutes "necessary" policy objectives—effectively allowing any measure a state considers necessary without requiring objective justification. Japanese companies should anticipate that Indonesia, Vietnam, and Thailand will maintain existing data localization requirements under these exemptions. Personal data protection provisions will establish minimum frameworks but accommodate vast differences in existing privacy regimes. The practical result: continued fragmented compliance rather than genuine regional harmonization.

Electronic Payments: DEFA's payment provisions aim for interoperability and regulatory cooperation but cannot resolve underlying infrastructure limitations. UNCITRAL Model Law alignment for electronic transferable records benefits trade finance documentation but requires sophisticated digital infrastructure and legal systems not yet present across ASEAN. Japanese financial institutions should expect gradual, market-specific implementation rather than region-wide transformation. Competitive intensity from established local players and Chinese platforms means DEFA creates opportunity primarily for niche or B2B applications rather than mass-market entry.

AI and Source Code: Provisions on emerging technologies establish cooperation mechanisms and best practice sharing but lack binding obligations. AI governance frameworks will be principles-based given

that most member states lack domestic AI regulations—cooperation will focus on capacity building rather than enforceable standards. Source code protection against forced disclosure mirrors RCEP language but includes national security exceptions that governments can invoke without dispute. Japanese technology companies should treat these provisions as political commitments rather than legal guarantees. Actual protection depends on bilateral negotiations and individual countries' willingness to honor commitments.

Cybersecurity and Online Safety: Cybersecurity provisions will establish information-sharing mechanisms and incident response cooperation but do not mandate common security standards. Given widely varying cybersecurity capabilities, practical cooperation will be bilateral rather than regional. Online safety provisions on content moderation and consumer protection will accommodate different cultural and political sensitivities, providing minimal harmonization. Japanese digital platform operators should expect continued country-specific compliance requirements for content governance.

Talent Mobility and Competition Policy: Talent mobility provisions will facilitate cross-border movement of digital professionals but face practical barriers including immigration policies, qualification recognition, and work permit systems that DEFA cannot directly address. Competition policy provisions on digital markets establish principles for cooperation but lack enforcement mechanisms. Given that several ASEAN countries lack sophisticated competition authorities, provisions will be aspirational. Japanese companies should not expect material changes to antitrust scrutiny based solely on DEFA.

Immediate Priority Actions

Data Governance Audit (Q1 2026): Map current data flows across ASEAN documenting what data moves where and legal bases for transfers. Avoid irreversible data architecture decisions assuming DEFA liberalization—exemptions will likely preserve existing restrictions. Model scenarios for continued fragmented compliance versus optimistic regional harmonization. Prepare dual-track strategies.

Partnership Development (2026): For companies targeting digital payments or fintech expansion, begin identifying ASEAN financial institution and technology provider partnerships now. Regional success requires local partnerships given infrastructure limitations and competitive intensity. Focus on markets with advanced digital ecosystems where DEFA implementation will be fastest.

Standards Engagement (Starting Now): Participate in ASEAN standards development processes for AI governance, cybersecurity, and data protection to influence frameworks. Early engagement shapes standards toward Japanese technological approaches. Monitor DEFA legal verification process through business associations. Track country-specific implementation signals.

Implementation Timeline and Critical Considerations

Signing expected October 2026 with entry into force likely late 2027 or 2028 following ratifications. However, this timeline assumes smooth domestic approval processes—politically sensitive provisions on data flows or market access could delay ratifications in Indonesia, Vietnam, or other countries with nationalist technology policies. Implementation will be profoundly uneven: Singapore, Thailand, and Malaysia will move rapidly while less developed members will require 5-10 year transition periods. Japanese companies must prepare for continued regulatory fragmentation with bilateral approaches for key markets rather than unified regional strategy. DEFA coexists with RCEP, bilateral digital economy agreements, and evolving domestic regulations—overlapping and sometimes conflicting commitments create complex compliance landscapes requiring sophisticated legal navigation.

Strategic Positioning

DEFA represents ASEAN's political commitment to digital economy integration but actual implementation will fall short of comprehensive regional harmonization. For Japanese companies, DEFA provides modest improvements in regulatory predictability and cooperation mechanisms but does not eliminate fundamental barriers from divergent digital maturity levels and national policy priorities. The strategic approach should be measured optimism: engage with standards development and monitor implementation closely, but maintain realistic expectations about binding commitments. Early movers who build relationships with ASEAN regulators and position for gradual liberalization will benefit, but transformative regional digital integration remains a decade-long process