

Belgium-Japan Association

& Chamber of Commerce ASBL - VZW



Number 62 - March 2004

Editorial

On behalf of the BJA, I would like to wish you all a happy and auspicious 2004. Furthermore I would like to take advantage of this opportunity to express our warmest thanks to you for your faithful and valuable contribution to the success of our activities last year.

In 2003, the Belgium-Japan Association has again played an active role in promoting the economic, trade and cultural relations between Belgium and Japan. The Business Committee's mission to create a dynamic business environment for its members was enhanced by influencing the development of public policy, facilitating networking opportunities and exploiting the potential of the information society. In practical terms, this has led to the Chamber providing an important networking forum for business in Brussels through the activities of its working committees.

We have launched the first official event of our EU committee, chaired by Mr. Patrick Schobbens. The seminar on "Building bridges between Europe and Japan" was held in March 2003, and HE Mr. Asakai, Ambassador of Japan to the EU, honoured the BJA with his presence at this occasion. This inaugural event was a huge success. Their next event, "Seminar on Environment – Japan and Europe", will be the continuation of a very active and important new committee.

The other highlight of 2003 was the publication of a sequel to the book "Export to Japan: twenty Belgian success stories". The main objective of this publication is to encourage more Belgian exporters to venture into the rewarding Japanese market. The presentation attracted a wide audience.

In 2003, our Legal & Tax Committee addressed the negotiations concerning the Belgian social security treaty, matters of immigration and, in particular, work permits. In 2004, this Committee will focus on legal issues such as personal data protection and tax issues.

In 2004, the BJA will organize the fourth YES Program in close collaboration with the BLCCJ. HRH Prince Philippe, who is the initiator of the program, continues to show a keen interest in this successful commercial export project to Japan. Several promotion activities for YES are being organized.

The preparations for the 2005 Aichi World Exposition, from 25 March to 25 September, 2005, are also taking shape. The theme will be "Wisdom of Nature" and the exposition site will be just outside the Japanese port city Nagoya, where Toyota also has its headquarters. The Belgian pavilion, to be designed by comic strip artist Mr. François Schuiten, has all the elements to attract the public at the 2005 Aichi Expo. The visitors will be taken on a journey throughout the world of Belgian art paintings and will be enchanted by the way our painters have interpreted nature. The BJA will put its efforts into the preparation of this grand event as well, to make it as successful as possible for our members.

I hope to meet you all in one of our upcoming events at BJA.

Daniel Thielemans
Vice-President of BJA

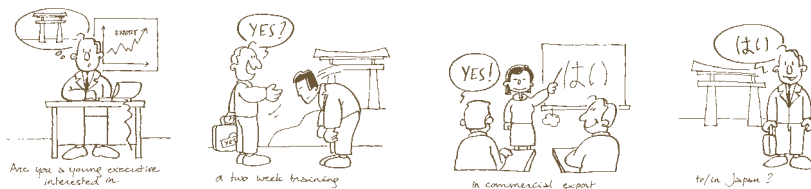


Daniel Thielemans
Vice-President of BJA

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The **YES[®] program** aims to train young executives from Belgium and Luxembourg in successful Japanese business practices, at moderate costs, and in a short amount of time. For this purpose, in 2004, the Belgian-Luxembourg Chamber of Commerce in Japan will organize a two-week training program in Japan, beginning with two briefing sessions in Belgium, organised by the Belgium-Japan Association. The training in Japan will consist of 3 days of intensive seminar training and 10 days of introducing each participant to the potential customers in his business area.

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BJA, presentation book & conference

26 November, 2003

On November 26th, about 100 people gathered at the Hotel Plaza for the release to the press of the second edition of the book, "Export to Japan – twenty Belgian success stories" by the Belgium-Japan Association & Chamber of Commerce (BJA).

Mr. Daniel Thielemans, Vice-President of the BJA, introduced the publication as a convincing testimonial highlighted by hands-on experiences of Belgian companies that dared to take up the challenge of entering the Japanese market and achieving good

results and mutual benefits for both Belgium and Japan. Although originally an initiative of the BJA, we especially thank the sponsorship of the Belgian Federal Public Service for Foreign Affairs as well as the support of the regional export agencies, AWEX, Brussels Export and Export Vlaanderen. During lunch, the Association was praised in a speech by Mr. Jacques Simonet, Secretary of State for European Affairs of the Ministry of Foreign Affairs. This event, one of the highlights in 2003, proved to be a huge success for the BJA.



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Mr. Daniel Thielemans, Vice President of BJA,
giving presentation of the book, Export to Japan



Mr. Luc Willame, President of BJA and Mr. Jacques Simonet,
Secretary of State for European Affairs



During the lunch, Mr. Bernard Degroux, CEO of Frisk International and
Mr. Tadashi Arashima, President of Toyota Motor Marketing Europe exchanged
views with Minister Nishimura of the Embassy of Japan



Mr. Edward De Beukelaer, Director of BJA, enjoys the Cocktail
together with Mr. and Mrs. Genang and Mrs. Omwal of Agena

Farewell and introduction



Fabienne and Anja

Farewell to BJA by Fabienne Fujii

After twelve years as Executive Director of the Belgium-Japan Association & Chamber of Commerce, the time has come for me to say farewell to you all. Indeed, I have taken up a new position as Deputy Director General of the Agency for Foreign Trade since October 2003.

It was of course my love for Japan that led me to the BJA in the first place, and I consider myself extremely lucky to have enjoyed this exceptional experience. When I started in 1991, the BJA had just been set up, the result of the merger of the Association Belgo-Japonaise, founded in 1963, and the Belgian Japanese Trade Federation (BEJAT), founded in 1987. These were challenging times, and I had the immense privilege of working under two outstanding men: Baron Velge, former Chairman of the BJA, and Mr Jean-Albert Moorkens, former Vice-President. Being led by these great men, it was only natural, to give your best and strive to achieve great things.

It has been our collective ambition, during those years, to make a real contribution to Belgian-Japanese relations through concrete initiatives. This led to the publication of several books and surveys, and the launch of the YES Programme, which in the meantime has proven to be a great success. I am deeply convinced that it is only thanks to the joint efforts of all, that the BJA can be successful in promoting relations between Belgium and Japan. I believe that this role of uniting both the Belgians and the Japanese, the directors, and the members of the BJA, behind a common project is the most important task of all. At the same time, it is the most rewarding part of the job, because in the process you get to know and appreciate people. I have put my heart and soul into the job, but, in return, I have reaped friendship, and I will always treasure my BJA friends.

Over the years, the BJA has grown into a full-fledged organization with many dynamic committees and an impressive number of events that take place every year. I am convinced that the BJA will only grow stronger in the years to come, and I wish good luck to my successor Mrs. Anja Kellens.

I would like to thank you warmly for your kind support and your faithful participation in BJA events.

With best regards
Fabienne Fujii-L'Hoost

Introductory words from Anja Kellens

I would like to take this opportunity to introduce myself. My name is Anja Kellens, and I am honoured to be the new Executive Director of the BJA, a task I will fulfill with all my heart and soul. I would like to thank my predecessor, Mrs. Fujii-L'Hoost for making the BJA a vibrant association. I will dedicate myself with the same ambition she always has shown and with a goal to make the BJA the best it can be.

My love for international partnership led me to obtain my Master in Japanese Studies at the Catholic University of Leuven and to live and study in Osaka. Upon my return to Belgium, I continued my post-graduate studies of International Relations (Peace Studies) in Leuven. Yet learning from books did not quench my thirst for knowledge. So I decided to become an intern at UNFPA to experience firsthand the difference between theories and the reality of (international) organizations.

At the same time, I started to work for the international Japanese press on a frequent basis. I really loved this active and challenging work where I met people with very different backgrounds, and that led me through the European institutions, NATO, and others. When the opportunity arose, I returned to Japan with a scholarship from the Japanese Government to study and do research for three years at Kobe University. I came back to Belgium last June with a degree of Master of Laws (International Law – Specialization: Conflict Prevention in Southeast Asia), and another internship experience at UNOCHA, focused mainly on research regarding the Southeast Asian region.

My dreams for making this world more one and bringing people together have pushed me forward in life. I have found the means of obtaining this dream through international cooperation. I want to live my dream and make it a reality, and that reality comes closer through this job.

I am looking forward to meeting you all in the near future!

Anja Kellens
Executive Director, BJA

Cultural News

Latest fashion trends in Japan

Hats on: distinctive headgear is all the rage

Hats have always combined fashion with practicality, offering protection from both the summer sun and the winter cold. But right now hats are experiencing a boom in popularity that has made them an essential item for all seasons. More and more people are wearing hats of distinctive designs that, unlike in past hat booms, are not constrained by fashion trends. Rather than famous brand boutiques, it is specialty shops stocking hats created by daring young designers that are at the forefront of the current craze. More and more of these shops are popping up in the trendy Harajuku and Shibuya areas of Tokyo, and they are often packed with teens and twenty-somethings seeking out their next hat purchases.

The new fashion essential

Trendy hat shops and designers are often described as having “charisma” (karisuma in Japanese) by young people. In the vernacular of young Japanese, the word is used to denote those who are exceptionally skilled or talented in a particular field and popular among young people. The word karisuma has been applied to such people as housewives. In many cases, the adjective karisuma has roughly the same connotations as “celebrity” in English. When applied to shops or hats, it suggests that something is highly distinctive and stands out from the crowd.

Department stores join the fray

The demand for highly individualistic hats is also sparking big changes in the usually sparse and nondescript hat sales areas of department stores and clothing stores. During the fall of 2003, two department stores - Seibu in Tokyo's Ikebukuro district and the main Matsuzakaya store in Nagoya - have set up karisuma hat sections.

A simple way of expressing oneself

During the summer, fedoras and mesh caps made of natural grasses found favour among both men and women. Another common sight was unlikely combinations of feminine clothes and baseball caps, while, as an extension of the layered look, turbans were also a hit. This fall has witnessed the renewed popularity of the rounded, visored berets known as “caskets” that have been a conspicuous presence since last year. Hats and caps are coming out in a variety of materials, colours, and shapes, including woollen caps with designs knitted in and hats made of furry materials like angora.

As to why hats have become entrenched as a fashion

accessory over the past few years, the reason is thought to be that headwear offers the easiest means of self-expression in the context of a general trend for casual fashion. Even a person dressed in a simple outfit like pants and a t-shirt can instantly express his or her personal style just by putting on a hat. Hats are becoming as much an integral part of young people's wardrobes as other fashion items.

Kimonos are hot: young women create new tradition

A kimono boom is spreading among young women in Japan. Antique kimonos that are available at affordable prices have arrived on the market, and women are enjoying wearing them in casual, non-traditional ways.

Antique kimonos popular among young women

The kimono is the traditional clothing article of Japan. They are quite beautiful, especially those worn by women, but looking good in them is another story, because there are tricks to wearing them. It takes time to learn how to put on a kimono, and there are detailed conventions about the right type of kimono and pattern for different occasions. Furthermore, kimonos are generally expensive. Accordingly, just about the only opportunities for young women to wear kimonos these days are when they take part in a traditional event, such as a tea ceremony, or when they attend a wedding or some other formal occasion. They usually get advice or help in putting them on from their more experienced grandmothers or from a beauty salon.

Recently, though, the kimono has been making its way into the fashions of women in their twenties and thirties. But the way these women wear kimonos can be a major departure from the past. Kimonos are now sometimes worn over Western clothes like a coat, and some women pin a favorite brooch on the obi. Another popular twist is to wear tabi (Japanese socks with a split big toe) that are color patterned instead of the traditional white. Each woman coordinates her own kimono style.

No different from Western clothes

The kimono boom got started around three years ago with the help of the Internet. The number of kimono shops and individuals posting pictures of people in kimonos began to increase, and interest in traditional Japanese clothes has grown accordingly.



Article continues on page 7

Facts & Figures on Japan

Toyota overtakes Ford in vehicle sales

Toyota passed Ford as the world's second biggest automobile manufacturer last year as sales of the Japanese company's vehicles surged ahead. However, Ford just clung on to its position as the second biggest carmaker, if Toyota's heavy truck subsidiary, Hino, is excluded from its sales numbers. The change in ranking underlines the contrasting fortunes of the two companies. Ford, founded by Henry Ford in 1903, is struggling to stop a sales decline and a fall in price in Europe and the US that has forced it to cut back and restructure to return to profit. Its sales shrank 3.6 per cent, or 253,000, last year to 6.72m units. Toyota, set up in 1937 by a loom manufacturer, last year broke the record – previously held by Ford – for the highest profits ever recorded by a car manufacturer. It predicts a 10 per cent increase in 2003's sales to 6.78m units, although it has not yet announced final numbers. Excluding Hino, Ford remained a slender 2,000 units ahead – but is almost certain to lose even that lead this year as Toyota enjoys rising sales in Asia, particularly China. Ford is increasing its Chinese production capacity but remains well behind in a market set to become the world's third largest this year after the US and Japan.

Financial Times

Most respected companies issued by Financial Times

The Financial Times listed "the most respected 50 companies and 50 business leaders for 2003". The top company was General Electric and the top business leader was Bill Gates of Microsoft. Among Japanese companies, Toyota is at 3rd (5th previous year), Sony at 10th (6th), Honda at 15th (not in top 50) and Nissan at 34th (50th). Among the business leaders, Mr. Ghosn of Nissan is at 4th (7th), Mr. Okuda of Toyota at 5th (6th), Mr. Idei of Sony at 8th (13th) and Mr. Fukui of Honda at 15th.

Koizumi eyes creating IT ministry

Prime Minister Junichiro Koizumi is considering creating a new ministry in charge of devising information technology (IT)-related policies, sources close to the plan said. According to the sources, Koizumi has instructed relevant cabinet ministers to study a plan on establishing a ministry that will integrate the IT-related divisions and units of the industry and telecom ministries. The prime minister wants the

issue to be taken up at the council on Economic and Fiscal Policy, which he heads. Taro Aso, the minister for Public Management, Home Affairs, Posts and Telecommunications, proposed creating a so-called "information and telecommunications ministry" at the council's meeting. Currently, the telecommunications ministry has jurisdiction over the regulation and supervision of IT-related industries, while the Ministry of Economy, Trade and Industry is in charge of crafting policies to promote IT in Japan. Aso told the council that the division of labor between the two ministries should be reviewed to boost Japan's overall global competitiveness in the IT sector. Other ministers supported the proposal citing the integration of IT-related divisions in South Korea. Koizumi apparently wants to create a single information and telecommunications ministry before the nation's postal operations are privatized in April 2007.

Kyodo News

Nippon Shokubai expanding capacity for super absorbent Polymer

Nippon Shokubai Co. is taking steps to widen its share of the global market for a super absorbent polymer used in disposable diapers and feminine-hygiene products.

In Japan, Nippon Shokubai is investing some 2 billion yen to construct a production facility at its main factory in Himeji, Hyogo Prefecture.

The facility is scheduled to begin operations this spring and will boost the company's domestic production capacity to around 170,000 tons, a 20% increase from fiscal 2002. The firm plans to retire its existing plant at that time, but may continue to use them if demand exceeds expectations.

Nippon Shokubai is also building a factory for super absorbent polymers in China, and plans to double the annual production capacity of its European base to 60,000 tons in 2006. Including its production base in the U.S., the company will have a total global capacity of 320,000 tons in 2006, some 40% more than the fiscal 2002 level.

Nikkei

Cabinet predicts 1.8% real growth in FY04

The Cabinet formally set its forecast for the nation's economic growth rate in fiscal 2004 at 1.8 per cent in real terms. The Cabinet also adopted a revised version of its guidelines for economic and fiscal management

Facts & Figures on Japan

that extend to fiscal 2008. The government forecast a 0.5 percent nominal growth rate – the first time in three years for the government to forecast positive nominal gross domestic product growth, which is closer to the sentiment of households and business. The figures were reported to the Cabinet in December, but the latest data include government spending set out in the fiscal 2004 budget bill. In its mid-term economic outlook, the government forecast 2.1 percent GDP growth in fiscal 2006, while it pledged to achieve a surplus in the primary balance in fiscal 2013. This was the first time the government has given a specific target date to achieve a surplus in the primary balance—a situation in which government spending equals revenues, excluding debt-servicing costs—which it previously had said it hoped to accomplish early in the next decade.

Businesses lose fear of rising yen

Japanese companies are better prepared to deal with an appreciating yen now than at any time in the past. During previous yen spikes against the dollar, exporters established measures to absorb the impact. They shifted operations overseas and increased exports denominated in yen and euros. Electronics companies, the engines of Japan's economic growth, have been fortifying against the appreciating yen since around 1995, when it was 79 to the dollar. Fujitsu Ltd. has attempted to better balance the value of exports and imports on a group basis to minimize the impact of yen-dollar fluctuations. Only a decade

ago, the value of dollar-denominated exports at Fujitsu exceeded that of imports by \$500 million to \$1 billion. When the yen was appreciated, the group's income from exports dwindled. The Fujitsu group also shifted telecommunications-equipment operations overseas and raised the percentage of imported parts used in computers it assembles in Japan. As a result, most of the roughly 1,200 to 1,500 parts needed to make a laptop computer are purchased abroad.

NEC Corp. is also balancing export and import values on a group basis. The value of the group's imported parts and materials has grown more than threefold to about 680 billion yen in the past decade.

Hitachi Ltd., meanwhile, is trying to contain the impact of the yen's appreciation by not converting dollars earned overseas into yen. Hitachi's overseas subsidiaries keep a portion of their revenues in dollars to use for parts procurement and other purposes.

Government statistics show that other manufacturers have also become more resistant to yen hikes. According to a survey by the Ministry of Economy, Trade and Industry, overseas operations accounted for 16.7 percent of total production for Japanese manufacturers in fiscal 2001, an increase of about 2.7 times from a decade earlier. The figure is estimated to have reached 18.2 percent in fiscal 2002, thanks to the growing shift of production to other parts of Asia and elsewhere. Japanese companies are also conducting a growing portion of their trade in euros. Some businesses have been able to offset part of the losses stemming from the dollar's weakness with gains from the euro's appreciation.

Asahi Shimbun

Kimonos are hot *(Story continued from page 5)*

Soon afterward, with a fad for vintage clothes taking root in Japan, used kimonos became popular. While it generally costs more than ¥250,000 to purchase a kimono and its related accessories new, a used kimono can often be had for around ¥5,000. At such an affordable price, young women can buy several and enjoy the traditional custom of wearing kimonos with motifs that match the season, such as bamboo for January and ume (Japanese plum) blossoms for February. They can also wear these kimonos on a variety of everyday occasions. As for how to do them, many young women learn only the very basics and wear these kimonos as though they were Western clothes. Interestingly, the most popular colours and patterns are those that were prevalent in the early half of the

twentieth century. These bold designs have caught the fancy of women today.

Young women wearing antique kimonos with bold, colorful designs were a common sight at coming-of-age ceremonies in January 2004. These ceremonies are held all over Japan every January for people who turn 20 during that school year. The overwhelming majority of young women in attendance wear kimonos, and this year saw a dramatic change in their kimonos from the dark hues and subdued patterns that had been the rule over the past few years to a bright splash of color.

Source: trends in Japan <http://www.jin-japan.org/trends/>

EU-Japan Relations

EU-Japan regulatory reform dialogue

Since 1994, senior officials from the European Commission and the Japanese government have been meeting on a regular basis in the framework of the EU-Japan Regulatory Reform Dialogue. This dialogue process consists of two high-level meetings a year, one in Brussels and the other in Tokyo. As Japan-EU trade friction has gradually been receding over the past decade, the initial, rather confrontational character of these meetings has changed. Today, the framework allows officials from both sides to exchange opinions regarding technical regulations and the business environment in general, from a mutually constructive viewpoint. It is the main mechanism that allows the EU and Japan to mutually improve two-way trade and investment flows by dismantling regulatory barriers and distortions, and is ultimately aiming to strengthen the EU's and Japan's overall economic performance.

The last meeting of 14 November 2003 focused on Japan's response to the European Union's proposals. It was co-chaired by Director-General F. Valenzuela of the European Commission's DG for External Relations, and Director-General K. Sasae of the Japanese Ministry of Foreign Affairs.

During the meeting, Mr. Valenzuela praised Japan for the progress that was made in the fields of legal services and competition policy. Japan has passed legislation that will allow Japanese and foreign lawyers to form real partnerships in the area of legal services. The EU side also welcomed the transfer of the Japanese Fair Trade Commission (JFTC) back to the Cabinet Office, which is expected to raise JFTC's independence.

The EU side also pointed out that the area in biggest need of reform is merger and acquisitions. The importance of a business-friendly tax system to attract foreign direct investment (FDI) was also underlined. In this respect, Prime Minister Koizumi's personal pledge to increase FDI twofold over a five-year period was applauded.

Other topics that were raised by the EU included the request for more transparency in Japan's government procurement procedures, to ensure maximum transparency of access for foreign bidders, and the issue of equal access to information for journalists. Concerning the latter point, the EU pressed its point that the Japanese government's tacit support of the so-called 'kisha club system' impedes foreign journalists' reporting of events in Japan of widespread international interest and significance.

In November of last year, Japan published in turn its priority proposals for regulatory reform in the Union. These requests will be discussed at the next high-level meeting, which will be held in Brussels in February 2004.

One of the most important issues that will be raised by the Japanese side is the EU system of work and residence permits. In member states of the EU, substantial periods are required for obtaining and renewing work permits, visas, and residence permits. For Japanese companies operating in the EU, this system can be a barrier to employing and transferring staff members in a planned and smooth manner. In addition, the handling of applications is not the same for every member state, and application procedures are often extremely complicated and time-consuming. Japan is therefore asking to improve the issuance of permits, and to tackle the complexity of procedural documents.

Other priority proposals include a review for several provisions of the new Chemical Regulations REACH (Regulation, Evaluation and Authorization of Chemicals) system, and some other issues related to environmental regulations. For the full text of Japan's priority proposals, see: <http://www.mofa.go.jp/region/europe/eu/overview/derego311.pdf>

International conference on EU-Japan relations

The international conference series on EU-Japan relations have been held annually since 1998. The organization is a joint achievement of the Study Group for European Policies (SEP/GEPE), the International Christian University in Tokyo and the Institut d'Etudes Européennes of the Université Libre de Bruxelles (ULB). Over the past years, the Japan Foundation has been contributing to the realization of these forums for Euro-Japanese exchange on issues of mutual interest and shared concern.

At the start of this year's first discussion session, Mr. Jean-Victor Louis, SEP/GEPE President, and Mr. Kazuo Asakai, Ambassador of Japan to the European Union, addressed the audience. The panels, composed of international experts discussed a wide variety of topics, including European security and defence policy, the development of the Doha Agenda, and the implementation of the Kyoto Protocol.

There was a unanimous belief that contemporary Japan-

EU-Japan Relations

EU relations are in very good shape. Over the past year, some concrete achievements have been realized, and further progress in the bilateral relationship was made. The conclusion of a competition agreement, and the extension of the student exchange pilot project were mentioned as examples of how the bilateral relationship can be strengthened further, through the joint implementation of concrete initiatives.

Based on the 2001 Action Plan, Japan, and the EU should continue to actively collaborate on the international scene. In this respect, the global security agenda, the Doha Development Agenda, and the Kyoto Protocol were cited as issues that require special attention from both sides.

The Trans European Policy Studies Association (TEPSA) will host the 2004 conference, entitled: 'Implications of the EU Constitution and Enlargement on EU-Japan Relations'. Drafts of some of the delivered speeches at the last conference are available through SEP's office, please contact: sep.gepe@busmail.net

Launch of new electronic newsletter 'News & Views from Japan'

The Mission of Japan to the European Union has recently launched a brand-new electronic newsletter, entitled 'News & Views from Japan'. This quarterly publication intends to inform subscribers about the on-going EU-Japan relationship and events of shared interest to both communities.

The newsletter is sent by e-mail to those with an interest in EU-Japan relations, or who wish to deepen their understanding of Euro-Japanese affairs. You can subscribe free of charge by sending an e-mail with your name and contact details to: informationdesk@pop.kp.n.be. The next edition of 'News & Views from Japan' will be sent in February.

Kawasaki Heavy to expand motorcycle sales in Europe

Kawasaki Heavy Industries Ltd. plans to increase its sales of motorcycles in Europe. The company intends to launch six new models in Europe in 2004 and ship 72,000 units for that market, up 13% from 2003.

The models Kawasaki Heavy plans to introduce in Europe this year include: the 1,000cc Ninja ZX-10R and

the 2,000cc-plus VN2000, which has a V-twin engine. In 2003, the company also introduced six models to the European market but shipped only 64,000 units, roughly equivalent to the previous year's tally. This was partly due to an attempt to cut inventory. Now, however, Kawasaki Heavy will take a more aggressive sales tack by using the centralized sales system it has created in Europe in recent years through the consolidation of its sales subsidiaries there.

The firm plans to ship a total of 477,000 motorcycles in 2004, up 3% from 2003. It expects domestic shipments to decline 4% to 22,000 units, while its shipments to North America and other non-European markets are projected to rise 3% to 95,000 units and 2% to 288,000 units, respectively.

Nikkei Business

Daihatsu Diesel to sell food waste disposal system in Europe

Daihatsu Diesel Mfg. Co. will start marketing a food waste treatment system in Europe through its U.K. subsidiary. Previously such waste was used as landfill in the U.K. With demand growing for more sanitary disposal methods in the country, however, the company expects the waste treatment system market to expand in the future. Daihatsu Diesel will sell a modified version of a food waste treatment system it markets in Japan and in the U.K. under the name Ceres. The system converts food remains into compost by using a special chemical solution. Compost can be made in about four days after food waste is put into the system along with soil. The system produces hardly any foul odours or carbon dioxide, using chemicals to break down food waste compounds.

The company released the original system in Japan in 2000 and installed a transformer in the system for the U.K. market, since voltage in Europe is different than the one used in Japan. The company has applied for a "CE Mark," which is necessary for marketing electrical appliances in the European Union (EU). It plans to start marketing Ceres in June this year, with Daihatsu Diesel (Europe) Ltd. as the sales channel.

The company will initially sell a model with a daily processing capacity of 50kg, and then add models with different daily capacities of up to 1,000kg. The firm targets annual sales of some 15 units in three years at prices ranging from 5 million yen to 70 million yen.

Success Story: Frisk



History and profile

Back in 1986, FRISK® micro-mint, a sugar free mini-mint with concentrated freshness, was developed and led to the establishment of the company Frisk International. FRISK mints were originally sold in Belgian pharmacies, but were soon distributed throughout all regular confectionery channels. Since 1995, FRISK International is part of the Italian confectionery group "Perfetti Van Melle". The FRISK plant is located in Leuven (Belgium) and FRISK is produced in a pharmaceutical environment, following the strictest quality standards in the world. The company started exporting in 1989. Today, FRISK® is sold in more than 35 countries on all continents and the company's retail sales grew to around 204 million \$, due mainly to the expansion on the Japanese market. FRISK has a brand value share of 18.7% and ranks 2nd in the power mint category. Japan is the main and biggest market for FRISK, accounting for € 25 million sales in 2002. Other markets include Western European countries, Canada and Asia, where the company has a strong presence. FRISK employs 50 people in Belgium, and 120 people are directly or indirectly involved in R&D, production, administration, sales and marketing of FRISK.

Start of relations with Japan

The initial contact with Japan led to a partnership with Kanebo Foods, a division of the Kanebo Group, based in Tokyo (Japan), manufacturing and selling consumer products including cosmetics, toiletries, pharmaceuticals, fashions, and chemical products. Kanebo showed interest in FRISK's tablets and decided to first try out the product. Mr Bernard Degroux, Managing Director of FRISK International, reflects: "It was essential for them to first make sure the concept

would fit into the Japanese market. If there were interest from consumers, they would start selling. In other words, FRISK respected the fundamentals of the Japanese culture: it introduced a Belgian invention that matched the Japanese consumers' needs". As the test proved successful, FRISK tablets were launched on the Japanese market in 1993. From 1994 to 1996, sales grew rapidly. Today one of Kanebo's most popular products – and the top selling candy in Japan – FRISK occupies the place of honour place at the top of Kanebo Foods' home page. FRISK mints have captured the top market share in Japan, blazing a trail in a segment of the confectionery market that had previously been dominated by chewing gum. Such a success for an import product was unheard of in Japan. FRISK mints come in five flavours in Japan: Peppermint, Spearmint and Eucaly Mint, Cassis Mint & Lime Mint recently introduced in Hokkaido.

How success came about

FRISK's success can be attributed to several factors. First of all, an outstanding cooperation with its partner Kanebo Foods, acting as exclusive importer and distributor for FRISK tablets on the Japanese market. Mr Degroux comments: "We enjoy an extremely loyal business partnership. Our partner quickly understood the high potential of building a strong brand image in a consistent way. FRISK has indeed positioned itself as a high quality import product, 'Made in Belgium'." Mr Degroux adds: "This European premium concept is a unique feature compared to local competitors, and it has given us an authoritative image on the market". The Japanese market for confectionery is fiercely competitive, with 30 new products being launched every month. FRISK's main competitors are Lotte, Pinky Sawayaka Toiki and Mintia, to mention but a few. Japanese companies keep introducing new products, new flavours, and changing packages to attract consumers. In comparison, FRISK has kept a consistent approach, and has succeeded in winning a strong base of faithful customers, in spite of the fact that its prices are higher than its competitors. Ever since FRISK's launch on the Japanese market, there have been over 35 copies of the original, but none could achieve the same success. Mr Degroux: "The name "FRISK" now has a strong symbolism for Japanese consumers. It carries an image of speed, of cleanliness." It must be said that FRISK has answered a real need of Japanese people. As is well known, Japanese are hard workers and tend to spend long hours in the office. FRISK, with its "sharpens you up" effect, gave them the mental

Success Story: Frisk

stimulation to keep awake and refreshed. 60% of FRISK consumers are male, the “typical” consumer being a white-collar salaryman.

FRISK carries out specific market research for the Japanese market. “Whenever our company wishes to launch a new product, it needs to test, evaluate and validate it as far as the design, the packaging, and all other aspects are concerned,” stresses Mr Degroux. “Every new product is first tested in our test market of Hokkaido, which provides a good sample of Japanese lifestyle. If the test is encouraging, we then launch on the national market.”

The company has also carefully considered its sales channels. The two main channels for FRISK are convenience stores (60% of sales) and kiosks (accounting for 15% of sales), followed by supermarkets (15%), drugstores (5%) and others (5%). There are some 42,000 convenience stores throughout the country, and Japanese people visit these several times a week, or even several times a day, hence their strategic importance for FRISK. FRISK tablets are usually located near the cashier, to better attract customers’ attention.

FRISK’s success is also owed to an extremely clever and effective advertising campaign. Its 1998 TV commercial was elected best commercial of the year, and was strongly appealing to Japanese consumers. FRISK is also sponsoring several TV programmes and places ads in the top 20 magazines in Japan as well as billboards in train stations. Other promotional actions include samplings and free post card distribution in cafes or restaurants. In Japan, advertising has a strong impact on people, and FRISK has been able to use this to its advantage. Since June 2002, FRISK has entrusted its advertising to a local creative agency. Mr Degroux: “FRISK raises a strong level of public interest, which is unique for a foreign product. Japanese consumers are eagerly waiting for the next FRISK commercial.” One of the ads of the recently launched gums, with a tag line ‘chewing is thinking’, was elected as one of the best ads in 2002 by Dentsu. With the current campaign in full swing, FRISK flyers can be seen everywhere: in stations, on the platforms, in the trains, or on the way to the office. Mr François Stroobant, Area Sales Manager Japan & Far East, proudly explains: “FRISK has become part of Japanese people’s life to the extent that Nobuyuki Idei, Chairman/CEO of Sony Corporation, is reported to have produced a FRISK box at a meeting, and told his staff to develop a digital camera of precisely the same size.” No wonder FRISK was recognised as “Best Food Product of the Year” in 1996. It marked the first time ever that a non-Japanese food producer received such an award.

Plans

Two new products have been introduced on the Japanese market in September 2002: power gums with peppermint and lime mint flavours, after having been tested in Hokkaido for a year. FRISK gums have a round shape, unlike traditional Japanese gums, and they have an individual wrapping, as this suits Japanese consumers. The price of FRISK gums (185¥) is twice as high as that of standard ones, and the box is also bigger. This again positions the gum as a premium product, with a good chewability and a long lasting, refreshing taste. It is hoped this new product will attract more female consumers.

Taking advantage of the 10th anniversary of FRISK’s presence in Japan in 2004, the company is planning to organise a major promotional campaign, to thank Japanese consumers for their fidelity to FRISK. As March 10th is “mint day” in Japan, it will also be a propitious time for FRISK to advertise.

Japan is and will remain a major market for FRISK, but expansion to other Asian markets is planned. China, S. Korea, Taiwan, Malaysia and the Philippines are expected to become important markets in the future. This is why Mr François Stroobant has been appointed Area Sales Manager for Japan and the Far East of FRISK, based in the Philippines. Mr Stroobant speaks fluent Japanese, and having worked in Japan for several years, he knows the Japanese culture and way of doing business well. His support is essential since Japanese expect a perfect service. Mr Stroobant visits Japan at least once a month, and the aim is to further increase presence on site.

Mr Degroux is optimistic for the future: “FRISK has also started cooperating with Kanebo in R&D to develop new products. This innovative approach brings us one step further in our synergy with our partner. We wish to maximise this partnership for new operations. FRISK will be even more Japan-oriented in the coming years. We are looking into how to manage our growth and build it up further.”



Focus on Belgium

Macroeconomic developments

The global economic recovery appears to have supported growth in Europe, in spite of the appreciation of the euro. Business in Belgium increased towards the end of 2003. Gross Domestic Product grew by 0.5% after having dropped a 0.1% earlier last year.

Confidence in the Belgian economy and business climate has risen to an above-average level, reversing a declining trend that underscored economic activity for several months. It is expected that consumer confidence will soon improve as well and keep pace with this upward swing.

Based on the important growth rate posted at the end of last year, growth forecasts for 2004 have been adjusted upwards to 2% instead of the earlier estimate of 1.7%.

Both net exports and domestic demand are expected to be higher this year compared to 2003.

Barco and Toyo Corporation join forces to provide medial modality OEM solutions for the Japanese Market

Barco and Toyo Corporation have announced the creation of a joint venture company in Japan. Barco and Toyo will each own 50% of the shares of the newly formed company, to be called Barco-Toyo Medical Systems Japan Co., Ltd. Barco has a wide experience in providing high-performance display technology for medical modality applications, such as X-ray, ultrasound and magnetic resonance viewing and is the world's leading supplier of displays for PACS (Picture Archiving and Communication Systems).

For many years, Toyo Corporation has been Barco's exclusive distributor and has a thorough knowledge of the needs and demands of the Japanese medical modality OEM (Original Equipment Manufacturers) market. Barco and Toyo Corporation will combine their expertise in order to provide customized solutions for the growing Japanese medical imaging market.

The newly formed company, Barco-Toyo Medical Systems Japan Co., Ltd. takes Barco and Toyo's successful cooperation one step further and strengthens their long-standing relationship.

Public Finances

The Federal Government anticipates a balanced budget in 2004. A new scheme to provide amnesty for past tax fraud has been passed is now being implemented. A non-recurring levy of 6 or 9% on declared capital is expected to total about 0.3% of the GDP. Social security contributions will be further reduced in order to improve employment. Higher budget outlays are scheduled for health care, and the personal income tax system will be reformed, including important tax cuts over the 2004-2007 period.

At the recent Cabinet Meeting of January 17th, the State Secretaries Vanvelthoven and Van Quickenborne were assigned to launch a number of projects in order to simplify administration. One of the action items will be the improvement of the communication with the Federal Public Services. In order to do so, all Federal civil servants will receive a uniform e-mail address consisting of their first name.name@belgium.be. Secondly, the Minister of the Interior will introduce an e-ID label for applications with the electronic ID card. The Tax-on-Web system will be further developed, enabling the electronic attachment of enclosures.

The notaries' electronic connection to the Central Business Bank will simplify and accelerate the establishment of new corporations. These and many other measures should lead to a simplification of the business administration, encouraging people to start up new enterprises.

By September 2004, the establishment law dating from 1998 will be modernized for companies with a sales volume going from 500,000 to 1 million euros. The need for submitting VAT declaration will be changed to every 3 months instead of monthly. More than 25,000 companies will benefit from this measure.

Ruling

As in the neighboring countries, the ruling service will be optimized in order to accelerate the evaluation of submitted files and to offer taxpayers maximum legal security. The service will continuously be staffed with at least 20 people, who will assume their position for a minimum of 5 years.

The final goal of the restructuring is the creation of a more attractive and transparent environment for investments.

Focus on Belgium

Solvay and Kobelco Eco Solutions create joint venture

Solvay and Kobelco Eco-Solutions agreed to join forces with a view to set up an industrial unit of Solvay's Vinyloop recycling process in Japan, the first in Asia. The launch of the joint unit is planned for the end of 2005. Kobelco is to own 66% of the joint company, while Nippon Solvay will hold the remaining 34% stake.

The plan is to set up the Vinyloop plant South of Tokyo. In a first stage, PVC material from used cables and agricultural foils will be recycled, and the facility will operate as a pilot plant for the recycling of automotive parts. Later on, the company plans to diversify towards other types of PVC waste, such as wallpaper.

The new joint venture will benefit from the experience gained from the first Vinyloop plant, launched in Ferrara, Italy in 2002, and can be expected to be competitive and successful.

The Vinyloop technology developed by Solvay R&T allows complete separation of PVC material from other components by means of biodegradable solvents, and generates PVC of a quality equivalent to the original product.

This initiative is part of Solvay's commitment to eco-efficiency and sustainable development.

Paul Janssen

On November 11, 2003, Dr. Paul Janssen, a founder and Managing Director of Janssen Pharmaceutica, died unexpectedly in Rome while attending the celebration of the 400th Anniversary of the founding of the Pontifical Academy of Sciences.

Dr. Janssen was without doubt one of the 20th century's most prolific researchers into new drugs. He has laid the foundations for more than 80 medicines that have saved millions of lives and that are still making an invaluable contribution to the health and quality of life of people all over the world.

Losing a distinguished member of the Belgium-Japan Association and Chamber of Commerce, we would like to extend our sincere condolences to his family and colleagues.

Yokohama Rubber enters Belgian market

The Japanese firm Yokohama Rubber Co., Ltd will launch passenger-car tire sales and marketing in Belgium and Luxembourg this month, the company has announced. An Antwerp-based company, Yokohama Belgium, was established in December to facilitate the move and will mean an end to a sales contract with Nissan Belgium.

Yokohama Belgium is a joint venture between Yokohama Rubber, which has a 66.6% holding, and Marubeni Corporation, whose stake is 33.4%. Sales are projected to reach more than 150,000 units annually in 2007. The company will sell only passenger-car tires for the time being, although market trends may prompt it to consider handling truck and bus tires as well. Yokohama Rubber's other European sales companies are in the UK, Italy, Switzerland, Sweden, Germany, Austria, and Denmark.

FFIO news

Komatsu to consolidate European supply ops in Belgium

Komatsu Ltd. will shortly consolidate its three construction machinery parts/components supply operations in Europe into its subsidiary in Belgium, in a bid to cut inventories and delivery times, company sources said.

The Belgian subsidiary has expanded its warehouse 58% to 24,500 sq. meters, through an investment of 1.3 billion yen, to make the move possible. Komatsu currently operates warehouses in Belgium, Germany and Italy. The one in Belgium is used for parts/components supply for hydraulic shovels made in Japan and the U.K., while the one in Germany supplies locally produced wheel loaders. The warehouse in Italy stockpiles and supplies small construction machinery parts/components for all of Europe.

The consolidation follows Komatsu's consolidation last spring of its marketing operations for construction machinery products produced at its plants in the U.K., Germany, and Italy into the Belgian subsidiary.

The European plants are set to release new products, including mini-shovels, in fiscal 2004, with the aim of grabbing 15% of the local ordinary construction machinery market and a 10% share of the local small construction equipment market.

Nikkei

Youth Committee news

Soignes Forest 26 October, 2003

At 2 pm all participants gathered in front of the Royal Museum for Central Africa. The building, built in 1910, and its surrounding park alone are worth the trip. The guide took us to different rooms, explaining the remarkable collections of ethnographic objects from Central Africa (supposed to be the only one of its kind in the world), sculptures, masks, dioramas displaying African animals, the entire archives of Henry Morton Stanley (the Belgian explorer who discovered Congo), etc.

Thanks to our great translator, Master Shuu, we could follow the explanation given, I have to say, in a hard-to-understand broken English. After the museum, we enjoyed a walk in the Soignes Forest, with a well-deserved tea break in the middle of the forest. Homemade cookies, candies, tea, coffees were served



to all participants. Definitely an activity we should organize again in summer.

午後2時、参加者は王立アフリカ博物館の前に集合しました。1910年に建てられた博物館とその周りの公園は一見の価値があります。

まずはガイドを伴って博物館を見学。中央アフリカの民俗文化財や彫刻、マスク、アフリカ原産の動物の標本、コンゴを発見した探検家ヘンリー・スタンレー（ベルギー人）のコレクション等を見てゆきました。また BJAYCOM メンバー、修さんの通訳も大変分かりやすく好評でした。

博物館の後、私達はソワニユの森を散策し、森の中でのティータイムを楽しみました。手作りのクッキーやケーキが参加者に振舞われ、皆で交流を深めました。この様なアクティビティを是非夏にもう一度企画してみたいと思います。

Visit to Belle Vue Brewery 23 November, 2003

More than 40 people gathered on this Sunday afternoon to visit the old brewery site and impressive beer cellars of Belle Vue. The first part of the visit led us through the old brewery building, where TV screens and explanatory panels give visitors an overview of the different steps of the brewing process, and the historic development of the brewery itself. The brewery guide showed us around in the cellars where large barrels of Lambic brew are silently waiting for their 'moment de gloire'.

During the tour, all the visitors were given the opportunity to taste the ripening Lambic. Afterwards, we all settled down in the brewery's pub to taste the real thing: the famous Belle-Vue Kriek beer. At the closing of the event, all participants received a special Kriek beer glass to take home, and do some more tasting!



Belle Vue ビール醸造所見学は、日曜日の午後から40名以上の参加者に集まって頂きました。まずは醸造所の建物を見学。建物内の部屋ごとにTVスクリーンやパネルによる説明があり、醸造のプロセスや醸造所の歴史を見ていきました。続いてガイドさんによる案内で、ランビックビールの樽が熟成を待って静かに横たわっているセラーを見学しました。そこで私達は熟成前のランビックビールを試飲しました。見学の後は醸造所内のパブへ行き、本場のビール（Belle Vue クリークビール）を楽しみました。最後にお土産として参加者全員にビールグラスが贈られ、パブでの歓談はしばし続けられました。

'Bicycle tour around the world' by Tatsu Sakamoto - 9 December, 2003

About 30 participants attended the event. Mr. Sakamoto shared the experiences of his bicycle round-the-world trip while showing slides. The wonder of making a

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dream into a reality combined with Mr. Sakamoto's stories about the importance of expressing "gratitude" was very interesting. Stories that gave the participants' dreams and hope!

4年3ヶ月かけて世界一周5万5千キロを自転車で走った坂本達さんの感動を伝えるトークショーの会場には約30名程の出席者が訪れ、坂本氏の体験談を交えてのスライドショーで彼の自転車世界一周を追体験しました。夢を実現させる事の素晴らしさ、「感謝」することの大切さを語る坂本氏のお話は大変興味深く、参加者に夢と希望を与える内容でした。彼の活動の詳細はこちらでもご覧いただけます：
<http://www.mikihouse.co.jp/tatsu>

'Christmas Market' in Aachen 13 December, 2003



On the 13th of December, the Christmas Market in Aachen welcomed our group with its German food specialities, its hand-made surprises and... its rain! The nearby UNESCO world heritage, the Cathedral's treasures were revealed to us through the comments of a dynamic guide. After the tour, we toasted our Belgian-Japanese friendship. We then left the town, singing Christmas songs together.

2003年12月13日、アーヘンのクリスマス・マーケットは、私たちのグループをドイツの名物料理、手作りの品々、そして雨模様！で迎えてくれました。また、ユネスコ世界遺産に登録されている大聖堂をダイナミックなガイドさんのコメント付きで見学しました。見学ツアーの後、ベルギー・日本の友情に乾杯し、クリスマスソングを歌いながらアーヘンの町を後にしました。



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The BJA Legal & Tax Committee

Personal data processing in Belgium: an introduction

This article was prepared at the initiative of the Legal & Tax Committee (LTC) of the Belgium-Japan Association and Chamber of Commerce (BJA). It is the joint effort of the following lawyers practicing in Brussels and experts in the field: Jan Dhont (Hunton & Williams), Yves Mellin (Van Bael & Bellis), Wim Nauwelaerts (Hogan & Hartson), Eric Resler (Altra Law) and LTC Chairman Tanguy Van Overstraeten (Linklaters De Bandt).¹

Belgian data protection rules directly affect Japanese companies conducting business in Belgium at various levels, including marketing strategy, human resources, international commerce, and database management as well as mergers and acquisitions. These rules impose heavy restrictions on personal data processing, grant individual rights to employees, customers and other data subjects, and impose specific procedural obligations, including notification to the Belgian Privacy Commission. Non-compliance with these rules may result in severe civil and criminal sanctions, and may also cause serious damage from a public relations perspective. This article provides an introduction to the Belgian data protection legal framework and its relevance to Japanese companies.

1. Belgian regulatory framework

Belgian rules on data protection are contained in the Belgian Act of 8 December, 1992 on Privacy Protection in relation to the Processing of Personal Data. This Act implements Directive 95/46/EC on the Protection of Personal Data, which sets out the basic principles of data privacy in the European Union (EU).

The Act applies to all business sectors, from financial institutions to consumer goods companies. The key concepts defined in the Act are “processing” of “personal data,” and the distinction between “data controllers” and “data processors.”

The Act applies to “personal data” broadly defined as data relating to identified or identifiable individuals (“data subject”), such as names, addresses, e-mail addresses, telephone numbers and pictures. Personal data also cover consumer data, individual insurance data, health data, employee data, financial data and even coded data to the extent that they can be decoded.

The term “processing” is also broadly defined and covers all operations involving personal data, such

as collection, storage, handling, use, transfer, and deletion. This broad definition encompasses any type of processing, including processing over the Internet.

The data controller, defined as the person deciding on the purposes and means of processing, is responsible for compliance with the data protection rules. They must notify to the Privacy Commission (the competent regulatory authority in Belgium), with certain exceptions however of their data processing activities.

The data controller may also involve data processors, which process data on behalf of the data controller (e.g., when the data controller outsources data processing to an IT services provider). Data controllers must contractually ensure the compliance of the legal rules by their data processors.

The Act applies to data controllers established on the Belgian territory, regardless of their form, i.e. Japanese subsidiaries and branches are equally bound by the Belgian rules. Companies located outside the Belgian territory may also be subject to data protection regulations under certain conditions.

Personal data may be processed only in certain legitimate circumstances described in the Act and including, e.g., (i) when the data subject’s unambiguous consent has been obtained, (ii) when the processing is necessary for the performance of a contract to which the data subject is a party, or (iii) when the processing is necessary for the purposes of the legitimate interests pursued by the data controller or a third party, provided that such interests are not overridden by the data subject’s fundamental rights and freedoms.

Qualifying under these circumstances is a necessary but not a sufficient condition for lawful processing of personal data. In addition, personal data must be processed fairly and lawfully, and only for explicit and legitimate purposes, and the data processed must be adequate, relevant, not excessive, accurate, kept up to date, and for no longer than necessary.

The data subjects must also be adequately informed and are entitled to have access to the data relating to them, with a right of correction and deletion, e.g. in case of data processing for direct marketing purposes. The Act also requires that specific technical and organizational security measures are in place to protect the data.

Finally, important rules regulate the transfer of personal data to countries outside the European Economic Area

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(the EEA, which includes the EU Members States as well as Iceland, Liechtenstein and Norway), which do not offer an adequate level of data protection. These countries include Japan, despite its recent adoption of a data protection legislation. In principle, data transfers to these countries are prohibited. They can be permitted only if they comply with certain exceptions to the general prohibition, e.g., (i) when the data subject's unambiguous consent to the transfer has been obtained, (ii) when the transferor and the transferee have concluded an agreement that meets the requirements set forth by the European Commission or (iii) when they can demonstrate that the transfers are necessary to perform contractual obligations.

2. Impact on Japanese businesses – Some illustrations

Data protection rules are relevant to various aspects of a business. The following three examples illustrate the areas that can be affected by these important rules.

2.1 Database centralized management

Japanese multinational companies often rationalize their human resource and customer management by centralizing their databases and making data available in a network structure. These multinational databases imply that personal data are sent and may be accessed outside the EEA. The legal restrictions to personal data transfer from Belgium (or other EU Member States) to Japanese headquarters require a careful evaluation of data management practices and the implementation of the adequate structure of protection in compliance with the applicable rules.

2.2 Direct marketing

Japanese companies that intend to contact data subjects for the marketing of their products or services must also comply with specific data protection rules. For example, direct marketing by way of facsimile, automated calling machines, e-mail, SMS or other electronic communication means, requires the data subject's prior consent ("opt-in"), with certain exceptions for existing customers. Specific rules in that respect are rapidly evolving with some attempt to enlarge their scope of application to other electronic means of communication (such as pop-up ads).

2.3 Employee monitoring

Monitoring of employee conduct at the workplace (e.g., employee use of the company's e-mail and Internet facilities) is heavily regulated under Belgian law, and is typically allowed for specific purposes only, such as the prevention of illegal practices. Monitoring must

be conducted with minimal interference of employees' privacy and employers should inform the Works Council and the affected employees of such monitoring measures before their implementation.

3. Sanctions

In Belgium, data controllers may be liable for damages resulting from a violation of the rules (including those committed by their data processors).

The law provides for fines (up to EUR 500,000) and prison sentences (up to two years)² in the event of non-compliance with the applicable rules. Infringers may also be prohibited from processing personal data, directly or through an agent.

Data subjects may file a complaint with the Belgian Privacy Commission or the Public Prosecutor's Office when they believe their rights have been violated. To avoid prosecution, it is important for Japanese companies to assess their data processing activities in Belgium and take appropriate compliance measures.

ベルギーにおける個人データ処理について：概略

本稿は、BJA（白日協会兼商工会議所）の法務・税務委員会により作成されたものであり、ブリュッセルにおいて活動し、本分野における専門家である Jan Dhont 弁護士 (Hunton & Williams), Yves Mellin 弁護士 (Van Bael & Bellis), Wim Nauwelaerts 弁護士 (Hogan & Hartson), Eric Resler 弁護士 (Altra Law) および 法務・税務委員会議長の Tanguy Van Overstraeten 弁護士 (Linklaters De Bandt) の共同作業によるものである。¹

ベルギーのデータ保護規則は、合併・買収と共に、マーケティング戦略、人事、国際取引、データベース管理を含む様々なレベルにおいて、ベルギーでビジネスを行う日本企業に直接影響を与える。これらの規則は、個人データの処理に厳しい制約を課し、従業員、顧客およびその他のデータ対象者に個人的権利を与え、また、ベルギープライバシー委員会に対する通知を含む、特定の手続的義務を課している。同ルールの違反は、厳しい民事および刑事上の制裁を伴うほか、パブリックリレーションの観点から重大な損害を生じる可能性がある。本稿は、ベルギーのデータ保護の法的枠組み、および日本企業との関連性についての概略を提供するものである。

1. ベルギーのデータ保護規制の枠組み

データ保護に関するベルギーの規則は、個人データ処理に関するプライバシー保護に関するベルギーの

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1992年12月8日の法律に含まれている。本法律は、欧州連合(EU)におけるデータプライバシーの基本原則を規定した個人データ保護に関するEC指令95/46/ECに基づき施行されたものである。

本法律は、金融機関から消費財会社に至る全てのビジネス分野に適用される。本法律が定めるキーコンセプトは、「個人データ」の「処理」、および「データ管理者」と「データ処理者」の区別である。

本法律は、名前、住所、Eメールアドレス、電話番号および写真といった特定のまたは特定し得る個人(「データ対象者」)に関するデータと広く定義された「個人データ」に適用される。個人データはまた、消費者データ、個人の保険データ、健康データ、雇用者データ、金融データ、さらには解読し得る範囲での暗号データさえ含む。

「処理」という用語も、広く定義されており、収集、保管、運用、使用、移転および削除といった個人データに関わる全ての作業を対象とする。この広範な定義は、インターネット上での処理を含む全てのタイプの処理を包含する。

処理の目的および方法を決定する者と定義されるデータ管理者は、データ保護規則の遵守につき責任を負う。データ管理者は、いくつかの例外はあるものの、自らが行う個人データ処理の活動を、プライバシー委員会(ベルギーにおける所轄規制当局)に通知しなければならない。

データ管理者は、データ管理者に代わってデータを処理するデータ処理者(例えば、データ管理者が、ITサービス事業者に対しデータ処理を外注する場合)を兼ねることもできる。

データ管理者は、データ処理者によりデータ保護規則が遵守されることを契約により確保しなければならない。

本法律は、その形態に関係なく、ベルギーの領域において設立されたデータ管理者に適用される。例えば、日本企業の子会社も支店も平等に本規則により拘束される。ベルギーの領域外に所在する会社も、一定の条件の下で、データ保護規制に服する。

個人データは、本法律で定める一定の正当な状況においてのみ、処理することができる。この正当な状況には、例えば、(i) データ対象者の明確な同意を得た場合、(ii) データ処理が、データ対象者が当事者となっている契約の履行のために必要な場合、または(iii) データ処理が、データ管理者または第三者が求める正当な利益のために必要な場合(ただし、当該利

益が、データ対象者の基本的権利および自由により優先されない場合に限る)が含まれる。

上記の正当状況の資格は、個人データの合法的な処理のために必要であるが、十分な条件ではない。加えて、個人データは、公正かつ合法的に、かつ明確かつ正当な目的のためにのみ処理されなければならない。さらに処理された個人データは、適切で、関連があり、過度に至らず、正確で、最新の状態に保たれていなければならない。また必要以上の期間にわたって保管されてはならない。

データ対象者は、十分な通知を受け、かつ自らに関係するデータへのアクセスと共に、これを訂正かつ削除する権利(例えば、直接販売の目的でのデータ処理の場合)が与えられなければならない。

本法律は、データを保護するため、具体的な技術上および組織上の安全措置が取られることを要求する。最後に、重要な規則は、十分なレベルのデータ保護を提供していない欧州経済地域(アイスランド、リヒテンシュタインおよびノルウェーとEU加盟国を含むEEA)外の国々に対し、個人データを移転することを規制している。日本も、最近情報保護法を制定したにもかかわらず、これらの国々に含まれている。原則として、これらの国々に対するデータの移転は禁止されている。このようなデータ移転は、例えば、(i) データ移転につきデータ対象者の明確な同意を得た場合、(ii) データの移転者と受領者が、欧州委員会により定められた要件を満たす契約を締結した場合、または(iii) データ移転が契約上の義務を履行するために必要であることを証明した場合等のように、原則禁止に対する一定の例外事由に該当する場合にのみ許される。

2. 日本企業のビジネスへの影響 - いくつかの事例

データ保護規則は、ビジネスの様々な面に関連する。以下の3つの事例は、この重要な規則により影響を受ける可能性のある分野につき説明するものである。

2.1 データベースの集中管理

日本の多国籍企業は、データベースを集中化させ、ネットワーク組織においてデータの使用を可能にすることにより人事および顧客管理を合理化している。このような多国籍のデータベースは、個人データがEEA外へ送られ、またEEA外からアクセスされ得ることを示唆している。ベルギーから日本の本社に対する個人データの移転に対する法的制限は、データ管理実務の慎重な評価および上記適用規則を遵守した十分なデータ保護体制の実施を要求する。

2.2 直接販売

自社の製品またはサービスの販売のためデータ対象

The Cultural Committee

者に接触を図る日本企業は、さらに特定のデータ保護規則を遵守しなければならない。例えば、ファクシミリ、自動電話装置、Eメール、SMSまたはその他の電子通信の手段による直接販売は、既存の顧客に対する一定の例外を除き、データ対象者による事前の同意（「オプトイン(opt-in)」）を必要とする。この点に関する特定の規則は、その適用範囲を他の電子的な通信手段（ポップアップ広告等）に拡大すべく急速に発展してきている。

2.3 従業員監視

就業場所における従業員の行動の監視（従業員による会社のEメールおよびインターネット設備の使用等）は、ベルギー法の下で厳しく規制されており、一般には違法行為の防止といった特定の目的でのみ許される。監視は、従業員のプライバシーへの最小限の干渉により行われなければならない。雇用者は、その実施前に、労働協議会および当該監視措置により影響を受ける従業員へ通知すべきである。

3. 制裁

ベルギーにおいては、データ管理者は、本規則の違反（データ処理者による違反も含む）により生じた損害につき責任を負う場合がある。

本法は、適用規則を遵守しない場合につき、罰金（50万ユーロを上限とする）および懲役（2年を上限とする）²を定めている。違反者は、直接または代理人を通じて、個人データを処理することも禁止される場合がある。

データ対象者は、自らの権利が侵害されたと信じる場合には、ベルギープライバシー委員会または検察庁へ提訴することができる。

訴追を避けるために、日本企業は、ベルギーにおける自らのデータ処理活動を査定し、適切なコンプライアンスのための措置を講じることが重要である。

¹ The purpose of this article is to draw the readers' attention to certain legal issues surrounding data protection in Belgium. It is not meant to be exhaustive and should not be considered as legal advice. For any further questions, the readers are invited to contact the authors identified above.

² As a way of comparison, the new Japanese law on data protection provides for fines up to ¥300,000 and imprisonment of up to six months.

¹ 本稿の目的は、ベルギーにおけるデータ保護を取り巻く特定の法的諸問題に読者の注意を喚起することを目的とするものである。本稿は、網羅的なものではなく、また、法的アドバイスとして扱われるべきものではない。本件に関する質問については、読者は、上記に記載された各弁護士に連絡することを勧める。

² 比較の観点から、データ保護に関する日本の新法は、30万円を上限とする罰金および6ヶ月を上限とする懲役を定めている。

The **Cultural committee** plays an important role in reinforcing the cultural relations between Belgium and Japan. It meets about ten times a year and includes a representative of the Embassy of Japan, of Nihonjinkai, Japanese School, and personalities from Belgian and Japanese cultural, academic and business circles. The committee is responsible for organizing cultural events such as:

- Exhibitions (private visits to exhibitions of Japanese, Belgian or European art)
- Concerts (group participation in concerts by famous Japanese or European orchestras, ensembles or musicians are organised several times a year, followed by a cocktail)
- Performances of Belgian folklore or various Japanese arts: dance, theatre, etc.
- Discovery of Belgian handicrafts, breweries, chocolatiers, etc.

The Cultural Committee describes these cultural activities in the Trade Flows & Cultural News, the quarterly magazine published by the BJA.

In 2003, the Committee successfully organized the group visit to the Classical Concert conducted by Mr. Kazushi Ono in April, sake tasting in July, and the visit to the Football match between KHZ and Anderlecht, featuring Mr. Takayuki Suzuki in September. The Committee will continue to offer more exciting and interesting cultural events to BJA members throughout this year.

文化関連のイベントを企画する**文化委員会**は、ベルギー・日本間の文化的交流を深める為の大切な役割を果たしています。この委員会は、BJA委員会会員の他、日本大使館、日本人会、日本人学校の代表者、そして両国の文化、教育、ビジネス界の著名人の方々に構成されています。

この委員会では下記の様なイベントを企画しています

- 展示会（日本やベルギー、ヨーロッパの芸術品の展示会にプライベート訪問）
- コンサート（日本やヨーロッパのオーケストラ、アンサンブル、ミュージシャンのコンサートにグループ参加）
- ベルギー民謡や日本のダンス、劇など様々なパフォーマンスを観賞
- ベルギーの手工芸やビールやチョコレートなどの製造所の見学

文化委員会で企画されたイベントはBJAの四半期毎に発行されるニュースレター、Trade Flows and Cultural Newsに報告されます。

2003年には4月に大野和士氏指揮のクラシックコンサートの鑑賞、7月には日本酒の説明を兼ねた試飲会、そして9月には鈴木隆行選手所属のヒュースデン・ゾルダー対RSCアンダレヒトのサッカー試合の観戦などを企画し、大勢の方々に参加頂きました。当委員会では本年度も引続き会員の皆様に関心頂ける様々なイベントを提供していく予定です。

The Cultural Committee members

Chantal Kozyreff

Curator at the Royal Museum of Art and History, Brussels. In charge of the Japanese collections, of the Chinese Pavilion and the Japanese Tower (Laeken, Brussels). Currently preparing the future Japanese Museum located in the park of the Chinese Pavilion, which will be open to the public either by the end of 2004 or in the spring of 2005.

Dominique le Hodey

I was born on the 17 February 1946. I am married and the father of Olivier, Vincent, and Colette.

In 1968, I created my first company in which I established business relations with Japan manufacturers. I became the importer of Noritsu and Konica photo products. In 1989 I merged my company with BDM, which later became Spector. Today I am Executive Vice Chairman of Spector Photo Group. I am also shareholder and board member of the IPM group, which publishes La Libre Belgique and La Dernière Heure. I was also a Director of the Amitié Belgo Japonaise and Chamber of Commerce. I became a Director of the BJA after the merger.

Robert Lievemont

I am a Director of Aon Artscope Belgium. Aon Artscope is part of the Aon Corporation and specializes in insuring Fine Art and antique objects. Aon is one of the largest insurance brokers in the world and prominent in insurance markets.

I have been active in insurance brokerage and consulting for more than forty years.

Kumiko Sawada

I created a graphic design/DTP consultancy company, KS Graphics in 2002. I have also worked at Agfa-Gevaert in Tokyo and Mortsels, Belgium as an applications specialist and product coordinator from 1992 to 1998. Living in Taiwan from 1999 to 2001 as a "wife of an expat," I worked as a publication designer/production manager for a local English magazine.

I received a Bachelor's degree in art/graphic design from San Diego State University, California, USA, and a Master's degree in multimedia from Katholieke Hogeschool Mechelen, De Ham. My language skills include fluency in Japanese and English, very good Dutch and conversational Mandarin Chinese. I am currently learning French at UFSIA in Antwerp.

Interests: fitness, skiing, films, dog obedience training.

澤田久美子

職歴：2002年、グラフィックデザイン／DTP コンサルタント会社 KS Graphics として独立。1992年から1998年まで東京、及びベルギー、モーツェル市のア

グファ・ゲバルト社に営業技術部員、製品コーディネーターとして勤務。1999年から2年間「駐在員の妻」として台湾に在住。台湾では現地発行の英語雑誌のデザイン、制作マネージャーを担当する。

学歴：アメリカ、サンディエゴ州立大学美術／グラフィックデザイン学士。ベルギー、メヘレン市「KHM, De HAM」マルチメディア科修了。

言語：日本語（母国語）、英語、オランダ語、中国語（北京語）日常会話、現在フランス語習得中。

興味：フィットネス、スキー、映画鑑賞、犬のしつけ

Hiroshi Sumimoto

I arrived in Brussels in the middle of October, 2003 and took over the function of Director of the Cultural and Information Center of the Embassy of Japan from my predecessor Mr. Tsukahara. I entered the public service of the Japanese Ministry of Foreign Affairs in 1973. I had already worked at the Japanese Embassy in Belgium about 16 years ago as Third Secretary in charge of economic affairs. Prior to my arrival in Belgium this time, I served in Senegal, Tunisia and the Central African Republic successively as first Secretary of the Japanese Embassy to these three countries during my last 6 years in the foreign service. During my stay in Senegal, I was the responsible person for economic cooperation between Japan and six countries: Senegal, Mali, Mauritania, Gambia, Guinea-Bissau and Cape Verde, who were all served by the Japanese Embassy in Senegal. In Tunisia and the Central African Republic, I served as the second rank official after the Ambassador. My primary responsibility was to manage the general business of the Embassy. As new Director of the Cultural and Information Center of the Japanese Embassy, I manage the general activities of the Center and promote the mutual understanding and friendship between the Belgian and Japanese people. The Center organizes cultural activities, provides appropriate information about Japan to Belgian people, promoting human exchanges through scholarships offered by the Japanese Government, the Japan Exchange and Teaching (JET) Programme and various study tours to Japan.

住本 博

在ベルギー日本大使館広報・文化センター所長昨年10月中旬にブラッセルに着任し、前任者の塚原所長を引継ぎ、日本大使館の広報・文化センターの所長に就任。16年前、経済担当の三等書記官として在ベルギー日本大使館に勤務しており、今回ベルギーは2度目の勤務。1973年に外務省に入省。ベルギー大使館の前は、約6年間でセネガル、チュニジア、中央アフリカ共和国の各大使館に一等書記官として勤務。セネガルでは大使館が管轄するセネガル、マリ、モーリタニア、ガンビア、ギニア・ビサオ、カーボ・ベルデの6ヶ国と日本との経済協力の総括を担当。

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その後のチュニジア及び中央アフリカ共和国では次席として大使館の総括業務を担当。

ベルギーでは、日本大使館広報・文化センター所長として、各種文化事業の企画・実施、日本に関する適切な情報の提供、国費留学生、JETプログラム（語学指導等を行う外国青年招致事業）、各種日本研修等の人的交流等の事業を通じて、ベルギーと日本の国民の相互理解と友好関係の増進に努めることが主要な業務です。

Mizuho Takada

I worked for The Bank of Tokyo-Mitsubishi, mainly in overseas offices such as London where I got my MBA (Business management at City University of London). I was also posted to Paris (twice), Bangkok, and Hong Kong. I was then nominated Director of cultural exchange programs in Brussels for 3 years by the Ministry of Education, Culture, Sports, Science, and Technology. Later, I was recommended to fill the post of Director of Japanese School of Brussels.

高田 瑞穂

日本人学校補習校校長元文部科学省派遣、国際交流ディレクター私は東京三菱銀行のロンドン、パリ（2回）、バンコク、香港などの海外拠点で長く働き、ロンドンではシティ・ユニバーシティのMBA（経営学）を取得しました。その後、文部科学省の国際交流ディレクターとしてブラッセルに赴任し、任期満了後日本人学校補習校校長となりました。

Andreas Thele

I have been a lecturer at Liège University since 1995 and have taught Japanese at Mons-Hainaut University (Ecole d'Interprètes Internationaux) since 1994.

Born in Duisburg, Germany, in 1964, I hold an M.A. (1989) and a Ph.D. (1993) from Düsseldorf University. Researcher at Tsukuba University and Prof. Hajime Nakamura's Eastern Institute, Tokyo, from 1989-1991. Fields of study: Comparative Thinking, Japanese and Chinese Thinking and Philosophy, Confucianism, Taoism. Contact: Andreas.Thele@ulg.ac.be

テレー・アンドレアス

1964年、チューブルグ市（ドイツ）に生まれる。1989年、文学修士、デュッセルドルフ大学。

1989 - 1991年、研究生、筑波大学と中村元先生の「東方学院」、東京。

1993年、哲学博士、デュッセルドルフ大学。

1994年から日本語教師、モンス・エノ大学 (Ecole d'Interprètes Internationaux)。1995年から講師、リエージュ大学。専門：比較思想、日本・中国の哲学・思想、儒教、道教。

連絡先：Andreas.Thele@ulg.ac.be

Willy F. Vande Walle

I am a professor of Japanese Studies at the University of Leuven. I received my Ph. D. in Oriental Studies in 1976 from the University of Ghent. I continued graduate studies at the Osaka University of Foreign Studies, and the State University of Kyoto with a grant from the Japanese Ministry of Education Scholarship (1972-1975) and a fellowship of the Japan Foundation (1977). I did research at the Academy of Social Sciences, Peking (1986), the Institute for Oriental and Occidental Studies, Kansai University, Osaka (1987 and 1996), the Faculty of Arts of the University of Pennsylvania (1992), and was a guest professor at the International Research Center for Japanese Studies, Kyoto (1993).

My writings, in Dutch, English, French, and Japanese cover a wide range of Japan-related topics, including Buddhism, Japanese diplomatic history, societal issues, language, and art history. Through the years, I have collaborated on a number of exhibitions of Japanese art and, in particular, I was chairman of the Scientific Committee of Europalia Japan 1989, a comprehensive series of events, displays, demonstrations and exhibitions introducing a wide array of Japanese culture both traditional and modern, to a European audience. In 2000, I was the first Belgian to be awarded the prestigious Japan Foundation Special Prize, in recognition of my contribution as an educator and a scholar to promote a better understanding between Japan and Europe.

ウィリー・F・ヴァンデワラ

ルーヴァン・カトリック大学（ベルギー）文学部教授。東洋学 学科主任教授。仏教学専攻

略歴：

ベルギー・ゲント大学東洋学科修了、1972年から1975年まで文部省奨学生として大阪外国語大学に留学。1976年ゲント大学で博士号を取得後、1977年国際交流基金の特別研究員として京都大学へ留学。1986年中国北京社会科学学院、1987年及び1997年関西大学東西学術研究所、1992年合衆国ペンシルバニア大学文学部にて研究。1993年京都、国際日本文化研究センター客員教授。

長年にわたり日本芸術の展覧会の実施に協力し、特に、1989年ベルギー・ユーロパリア日本開催の際には、学芸委員会の委員長として、日本の伝統的・現代的文化のイベント・展示・実演の企画実施にあたり、ヨーロッパに日本を広めるために貢献した。2000年国際交流基金特別奨励賞をベルギー人としてはじめて授与される。

オランダ語、英語、フランス語、及び、日本語での著書・論文等、多数あり、内容は仏教学、日本外交史、社会学、言語学、美術史と多岐にわたる。



Dominique le Hodey



Robert Lievemont



Kumiko Sawada



Hiroshi Sumimoto



Mizuho Takada



Andreas Thele



Willy F. Vande Walle