



EUROPEAN BUSINESS COMMUNITY
THE COUNCIL

司法制度改革推進本部

May 14, 2004

Attention: 小林徹参事官

Dear Sirs,

ADR Basic Law proposals

As representatives of the European Business Council in Japan (EBC), we are writing to express our members concern at the proposals of the ADR Kentoukai that a system of licensing [認証制度] of organizations providing dispute resolution services will be implemented as part of the proposed new ADR Basic Law.

Last year, the EBC joined with numerous other organizations in expressing our concerns about the original proposals of the ADR Kentoukai. Regrettably, it appears that the latest proposals continue to anticipate a heavily regulated system for ADR in Japan. The reason for our concern was, and still is, that we do not believe that a regulatory system is in the best interests of Japan.

The proposals do not accord with the widely recognized international norms for ADR. If implemented, we believe the current proposals would represent a retrograde step for Japan and would be instrumental in defeating the stated aim of the Japanese Government, namely to promote ADR in Japan. Indeed we believe they would negate the progress made by the recent enactment of the new Arbitration Law.

We urge the government and the ADR Kentoukai to consider this matter very carefully. We ask for a chance to be heard by the ADR Kentoukai before any decisions are taken in this matter and would try to arrange for Mr Richard Collasse, the Chairman of the EBC, to give evidence to the ADR Kentoukai from the perspective of European businesses operating and seeking to operate in Japan.

We look forward to hearing from you.

Yours faithfully,

A handwritten signature in blue ink, appearing to read "M. Hancock".

Michael Hancock
Chairman
EBC Legal Service Committee

A handwritten signature in black ink, appearing to read "Peter Godwin".

Peter Godwin
Member
EBC Legal Services Committee