Resolution of 13 September 1951

The Economic and Social Council,

Recognizing that restrictive business practices on the part of private or public commercial enterprises which, in international trade, restrain competition, limit access to markets and to the means of production necessary for economic development or foster monopolistic control, may have harmful effects on the expansion of production or trade, on the economic development of under-developed areas, on standards of living and on the other aims and objectives set out in Chapter I of the Havana Charter,

Recognizing that national and co-operative international action is needed in order to deal effectively with such practices, and

Noting that various governments and international bodies have taken or are considering individual or collective action in this field, but that the Council has not dealt directly with the problem of restrictive business practices,

1. Recommends to States Members of the United Nations that they take appropriate measures and co-operate with one another to prevent, on the part of private or public commercial enterprises, business practices affecting international trade which restrain competition, limit access to markets or foster monopolistic control, whenever such practices have harmful effects on the expansion of production or trade, on the economic development of under-developed areas or on standards of living;

2. Recommends that the measures adopted in the cases and for the purposes stated in the preceding paragraph shall be based on the principles set forth in Chapter V of the Havana Charter, concerning restrictive business practices;

3. Establishes an ad hoc Committee on Restrictive Business Practices consisting of the following Member States: Belgium, Canada, France, India, Mexico, Pakistan, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay;

4. Determines that the Committee shall prepare and submit to the Council as soon as possible, and in any case not later than March 1953, proposals on methods to be adopted by international agreement for implementing the recommendation in paragraph 1 above, including, inter alia, provision for continuing consideration of problems of restrictive business practices. In preparing its proposals, the Committee may consult with interested governments, specialized agencies, inter-governmental organizations and non-governmental organizations;
5. Determines further that the Committee shall:

(a) Obtain information from governments, specialized agencies and other sources, on restrictive business practices, whether based on cartel agreements or not, that affect international trade and international economic co-operation generally, and on legislation adopted and measures taken by individual Member States in connexion with restrictive business practices and with the object of restoring the freedom of competition; and

(b) Present to the Council analyses of this information together with the proposals mentioned in paragraph 4; and

6. Instructs the Secretary-General to seek from any appropriate intergovernmental bodies or agencies their views as to the organization which could most appropriately implement those proposals and, in the light of those views, to make a report and recommendation at a later session of the Council.