DRAFT RESOLUTION
(proposed by several members of the Group)

At their thirteenth session in November 1958 the CONTRACTING PARTIES decided:

(i) to appoint a group of experts to study and make recommendations with regard to whether, to what extent if at all and how, the CONTRACTING PARTIES should undertake to deal with restrictive business practices in international trade;

(ii) to request the export group to submit its report by the end of 1959;

(iii) to consider the report at a session of the CONTRACTING PARTIES in 1960.

Pursuant to this Decision the Group of Experts was convoked by the Executive Secretary. The Group has studied the document MGT/75/58 and the other relevant documents submitted to the experts by the Executive Secretary. According to the terms of reference the Group has discussed the desirability and the possible methods of dealing with harmful restrictive business practices in international trade within the framework of GATT.

The Group recommends for the approval of the CONTRACTING PARTIES the following Resolution:

THE CONTRACTING PARTIES

Recognizing that business practices which restrict competition in international trade may hamper the expansion of world trade and the economic development in individual countries and thereby frustrate the benefits of tariff reduction and removal of quantitative restrictions or may otherwise interfere with the objectives of the General Agreement on Tariffs and Trade.

Spec(59)115
Recognize further that international co-operation is needed to deal effectively with harmful restrictive practices in international trade;

Considering, however, that in present circumstances, it would not be practicable for the CONTRACTING PARTIES to undertake any form of control of such practices nor to provide for investigations, but desiring that consultations between governments on these matters should be encouraged;

Recommend that

1. At the request of any contracting party a contracting party should enter into consultations on such practices on a bilateral or a multilateral basis as appropriate. The party addressed should accord sympathetic consideration to and should afford adequate opportunity for consultations with the requesting party, with a view to reaching mutually satisfactory conclusions and if it agrees that such harmful effects are present it should take such measures as it deems appropriate to eliminate these effects.

2. (a) If the requesting party and the party addressed are able to reach a mutually satisfactory conclusion, they should jointly advise the secretariat of the nature of the complaint and the conclusions reached.

(b) If the requesting party and the party addressed are unable to reach a mutually satisfactory conclusion, they should advise the secretariat of the nature of the complaint and the fact that a mutually satisfactory conclusion cannot be reached.

Instruct the secretariat to report annually to the CONTRACTING PARTIES the number of complaints made pursuant to paragraph 1, the number of such complaints in which a mutually satisfactory conclusion was reached and the number of such complaints in which no mutually satisfactory conclusion could be reached.