FOURTH COMMITTEE: RESTRICTIVE BUSINESS PRACTICES

PROPOSED AMENDMENT TO SECTION 8
OF THE DRAFT REPORT OF COMMITTEE IV (E/CONF.2/C.4/15)

After informal discussions with the delegations of Afghanistan, Brazil, Canada, France, India, Mexico, the United Kingdom and the United States of America, the delegation of Belgium proposes the deletion of the present text of Section 8 and the substitution of the following text:

"8. The Committee discussed at length the relation between the procedures of Chapter V under Articles 45 and 45A, and those of Chapter VIII. In the course of its discussions, the Committee had the benefit of a communication from Committee VI (E/CONF.2/C.6/63) setting forth the opinions of that Committee on the subject of Chapter VIII in its general relation to other parts of the Charter. Committee IV found that the question was full of complexities and that it was difficult to foresee at this stage all implications of cases that may in practice arise.

However, Committee IV calls attention to the fact that the procedures under Chapter V apply to complaints directed against harmful effects arising out of business practices of commercial enterprises, while the procedures under Chapter VIII apply to complaints against Members as such. Therefore, the procedures set forth in Chapter V cannot preclude resort by a Member to the procedures under Chapter VIII, whenever it considers that there is nullification or impairment of the benefits under the Charter by another Member."