FOURTH COMMITTEE: RESTRICTIVE BUSINESS PRACTICES

DRAFT CHARter

NORWAY: PROPOSED AMENDMENT

Article 44

Paragraphs 1 and 2 to read as follows:

1. Each Member shall take appropriate measures, individually or through the Organization or in both ways, to prevent business practices affecting international trade (whether engaged in by private or public commercial enterprises) which restrain competition, limit access to markets or foster monopolistic control whenever

   (a) such practices are engaged in or made effective by one or more private or public commercial enterprises or by a combination, agreement or other arrangement between commercial enterprises, whether between private commercial enterprises, between public commercial enterprises or between private and public commercial enterprises when such commercial enterprises, individually or collectively, possess effective control of trade between two or more countries in one or more products, and

   (b) the practices have harmful effects on the expansion of production or trade and interfere with the achievement of any of the other objectives set forth in Article 1.

2. Without limiting the generality of paragraph 1 of this Article, and in order that the Organization may decide in a particular instance whether certain practices have or are about to have any of the effects described in paragraph 1 of this Article, the Members agree that complaints regarding any of the practices listed in paragraph 3 of this Article shall be subject to investigation in accordance with the procedure regarding complaints provided in Articles 45 and 47, whenever such complaint is presented to the Organization;