FOURTH COMMITTEE: RESTRICTIVE BUSINESS PRACTICES

SUB-COMMITTEE A

SUMMARY RECORD OF THE TWENTY-FIRST MEETING

Held at the Capitol, Havana, Cuba, on 5 January 1948 at 10.30 a.m.

The amendments proposed by the delegation of Norway in connection with Article 45 A (document E/CONF.2/C.4/Add.2) were accepted by the Sub-Committee, except for the amendment proposed for paragraph 2 which was withdrawn by the representative for Norway.

The new draft of paragraph 1 of Article 50, proposed by the Ad Hoc Committee was amended, and provisionally accepted by the Sub-Committee in the following form:

"The Members recognize that certain services such as transportation, telecommunications, insurance and the commercial service of banks are substantial elements of international trade and that any restrictive business practices in relation to them by enterprises engaged in these activities in international trade may have harmful effects similar to those described in paragraph 1 of Article 44. Such practices shall be dealt with only in accordance with the following paragraphs."

The delegates of Mexico, Norway and India pointed out that the provisional acceptance of this draft did not commit them in any way and considered themselves at liberty to introduce further modifications in the future if they thought these necessary.

The Sub-Committee accepted the following changes in the text of Chapter V:

Article 44
1. Paragraph 3 (c) in the French text was amended so that the word "particulieres" was changed to the word "determinées".
2. Article 44 Paragraph 4 (a) was approved as follows:
"Agencies of Governments in so far as they are engaged in Trade".
3. Article 45 A paragraph 2 was approved to read as follows:
"The Organization shall prescribe the minimum information to be included in complaints. The information shall give substantial indication"
indication of the nature and harmful effects of the practices.

4. Article 45 A paragraph 6. The word "inform" was substituted for the word "notify".

5. Article 50. A new heading was adopted to read as follows:
   "Special procedures with respect to Services."

The amendment proposed by the delegation of Mexico for the addition of a new sub-paragraph to read:
   "Governmental measures connected with the provision referred to in the previous Article"
was withdrawn.