FIFTH MEETING

1. The delegation for Argentina has asked for the following to be added to paragraph 11 of page 2 of document E/CONF.2/C.4/SR.5:

"Insisting on this point of view he had reserved his Government's position in respect of the inclusion of 'public commercial enterprises' within the scope of Chapter V".

2. The delegate for Belgium has asked that the following text be substituted for his statement on page 3 (page 4 of the French Text) of document E/CONF.2/C.4/SR.5:

Mr. THILTGES (Belgium) agreed that restrictive practices were not condemned by Chapter V. This Chapter only referred to the abuse of such practices, namely, insofar as they presented certain special features, among which the fact of having certain effects was an essential one. Paragraph I should be considered as a whole and in relation to Chapter I. The obligation of Members only applied when these practices had certain harmful effects, not only on the expansion of production or trade, but also on the achievement of one of the other objectives of the Organization. Belgium had accepted this rule, since she understood that this condition applied primarily to the general purposes of Chapter I, so that it might be possible to justify a practice and its disadvantages if it were shown to be in conformity with the general purposes of the Charter. There was no doubt that such a definition left room for considerable latitude of judgment regarding application. That was why accurate information regarding the real effect and meaning of the decisions of the Organization was so important. It was in the light of its provisions as a whole that the Belgian delegation found Chapter V acceptable.

3. The delegate for Belgium has asked that the following paragraph be inserted between paragraphs 2 and 3 of his statement on page 5 (page 7 of the French text) of document E/CONF.2/C.4/SR.5:

As far as obligations were concerned, Chapter 5 involved no obligation either in the case of a mere possibility, or even when the practices were about to have harmful effects. Indeed, certain delegations, including the Belgian delegation, considered that when the effects had
not yet been produced, there was too great a danger of purely subjective judgments.