CHAPTER VI. RESTRICTIVE BUSINESS PRACTICES

Modifications Proposed by the Delegates for the United States

ARTICLE 39

Policy Toward Restrictive Business Practices

2. Without limiting the generality of paragraph 1, Members agree that the practices listed in paragraph 3 below when they are engaged in or are made effective by:

(a) an international combination, agreement or other arrangement among commercial enterprises including such an arrangement among private commercial enterprises, among public commercial enterprises (i.e. trading agencies of governments or enterprises in which there is effective government control), or between private and public commercial enterprises;

(b) one or more private commercial enterprises and when such commercial enterprises, individually or collectively, possess effective control of international trade, among a number of countries or generally in one or more products, shall be subject to investigation in accordance with the procedure provided by the subsequent Articles of this Chapter, if the Organization considers them to have or to be about to have such harmful effects as are described in paragraph 1.

2. Without limiting the generality of paragraph 1, Members agree that the practices listed in paragraph 3 below shall be subject to investigation, in accordance with the procedure provided by the subsequent Articles of this Chapter.
Chapter, if the Organization considers them to have or to be about to have any of the harmful effects enumerated in paragraph 1 of this Article, whenever:

(a) they are engaged in or made effective by one or more private commercial enterprises or by a combination, agreement or other arrangement among commercial enterprises, whether among private commercial enterprises, (i.e., trading agencies of government or enterprises in which there is effective government control), or between private and public commercial enterprises; and

(b) such commercial enterprises, individually or collectively, possess effective control of trade among a number of countries in one or more products.

3. The practices referred to in paragraph 2 are as follows:

(c) boycotting or discriminating against particular enterprises /
discriminating against particular enterprises whether by boycott or otherwise.

ARTICLE 40

Procedure with Respect to Complaints and Conferences

(d) ......the parties alleged to have engaged in or to have been affected by the practice, will have the opportunity to be heard.

(h) Prepare and publish as expeditiously as possible after enquiries have been discontinued or completed or otherwise terminated, reports......

ARTICLE 42

Obligations of Members

4. Furnish to the organization, as promptly as possible and to the fullest extent /feasible/ practicable, such information as is requested by the organization under sub-paragraphs (c), (d) and (g) of Article 40 and under sub-paragraph (a) of Article 41; provided that /Confidential information affecting national security or production technique may be withheld./

/ the Member
the Member

(a) may withhold confidential information relating to its national security, and

(b) on proper notification to the organization, may withhold information which is not essential to the organization in undertaking an adequate investigation and which, if disclosed would materially damage the legitimate business interests of a commercial enterprise.

In notifying the organization that it is withholding information pursuant to this clause, the Member shall indicate the general character of the information withheld.