The attached United Kingdom Draft on Restrictive Business Practices attempts to cover in a consistent manner the whole field and, although a composite draft article of a general character corresponding to Article A of the attached has been considered and accepted by the Committee as a basis for discussion, the United Kingdom Delegation have thought that it will be useful to retain Article A for the present purpose in order that their draft on this subject can be seen as a whole.
ARTICLE A

General Statement regarding Restrictive Business Practices

The members recognize that:-

1. it is essential that the action taken by the governments of members in furtherance of the objects of this Convention should not be neutralized by the actions of private commercial enterprises;

2. certain restrictive business practices in international trade are capable of having harmful effects on the expansion of production and trade and the maintenance in all countries of a high and stable demand for goods and services in general which it is the purpose of the Organization to promote; and

3. among the practices which are capable of having such harmful effects are combinations, agreements and other arrangements which:-

   (a) fix prices or terms or conditions to be observed in dealing with others in the purchase or sale of any product;

   (b) exclude enterprises from any territorial market or field of business activity, allocate or divide any territorial market or field of business activity, allocate customers, or fix sales or purchase quotas;

   (c) boycott or discriminate against particular enterprises;

   (d) limit production or fix production quotas;

   (e) suppress technology or invention, whether patented or unpatented;

   (f) extend the use or rights under patents, trademarks or copyrights to matters not properly within the scope, or to products which are not the immediate subjects of the authorized grant.
ARTICLE B

Policy towards and Procedure for dealing with Restrictive Business Practices

1. Members agree that they will take all possible steps to ensure that commercial enterprises within their jurisdiction do not engage in practices having such harmful effects.

2. Members agree that the Organization should be empowered:
   
   (a) to receive and consider written complaints from any member or, with the permission of the member, from commercial enterprises within its jurisdiction who allege that their interests are affected) that a private international combination, agreement or arrangement is having or is likely to have harmful effects on the objects of the Organization as stated above, and to notify members of complaints received;
   
   (b) when it thinks there is a case for enquiry, to call upon any member to provide full information relative to such a complaint, to hear members, and representatives of any commercial enterprises concerned if the Government concerned so wishes, and to consider such data and, if warranted, make recommendations to the members concerned for appropriate remedial measures in accordance with their laws and procedures;
   
   (c) to call for reports from members as to their actions in implementing such recommendations;
   
   (d) to prepare and publish reports concerning complaints, recommendations made, and action taken on such recommendations; and
   
   (e) to arrange conferences of Member States in respect of complaints or for purposes of general consultation on this subject.

3. Members agree to consider to what extent and in what ways they can be mutual accord assist each other in carrying out any recommendations under paragraph 2(b).
ARTICLE C

Studies relating to Restrictive Business Practices

1. The Organization shall be authorized:

(a) to conduct studies, either on its own initiative or at the request of any member, relating to

(i) types of restrictive business practices in international trade;

(ii) conventions, laws and procedures relevant to such practices, and to request information from members in connection with such studies;

(b) to make recommendations to members concerning such conventions, laws and procedures as are relevant to their obligations under this Convention.

2. Members agree that the duties laid on the Organization by the foregoing paragraph and by Article B should be discharged through the machinery set up in Article G of the Convention and the Executive Board.
ARTICLE D

Obligations of Members

In order to implement the preceding Articles in this Chapter, each member undertakes to:

1. Furnish to the Organization, upon its request and as expeditiously as possible and to the fullest extent feasible, information called for by the Organization in pursuance of Article B (2) (b), provided that information of a confidential character affecting national security or production technique may be withheld. To this end, each member shall carry out such investigations within its own jurisdiction as may be necessary and practicable.

2. Consider any recommendations made by the Organization for appropriate remedial measures in accordance with Article B (2) (b), with a view to taking all steps possible in accordance with their particular systems of law and economic organization to carry out the recommendations of the Organization.

3. Report as requested by the Organization in pursuance of Article B (2) (c).

4. Take part in conferences upon the request of the Organization in accordance with Article B (2) (c).

5. To consider to what extent they can furnish information requested by the Organization in pursuance of Article C, such information not to be unreasonably withheld.
ARTICLE E

Continued effectiveness of domestic measures against Restrictive Business Practices

Any act or failure to act on the part of the Organization shall not preclude any member from enforcing any national statute or decree directed towards preventing monopoly or restraint of trade.
ARTICLE F

Exceptions to provisions of this Chapter

The procedures and undertakings expressed in this Chapter shall not apply to:

1. intergovernmental commodity agreements meeting the requirements of Chapter V of this Convention;
2. the international agreements excepted in Article 42 of this Convention; or,
3. agreements or understandings concerning railway transportation, aviation, shipping, telecommunications and other services.
The Commission on Business Practices shall have the following functions:

1. to receive and consider written complaints concerning restrictive business practices in international trade, as provided in Article B (2) (a); in accordance with Article B (2) (b) to prescribe and call for information relative to such complaints and to notify members of complaints received; to request data, conduct hearings, report on its investigations to the Executive Board and make any recommendations which it may think fit; to request reports from members on the action taken as a result of recommendations made to them by the Executive Board and to prepare reports for publication by the Executive Board in accordance with Article B (2) (d);

2. to arrange special consultative conferences between particular members and to assist in arranging consultations as requested by members relative to particular complaints, as provided in Article B (2) (e), and to forward reports or recommendations by such conferences to the Executive Board;

3. subject to the approval of the Executive Board and pursuant to Article C, to conduct studies relating to business practices which restrain competition, restrict access to markets or foster monopolistic control in international trade, or relating to international conventions or national laws and procedures designed to carry out the objectives of Article B or to those which may affect such objectives, and to make recommendations when appropriate to the Executive Board for action by members;
4. to advise the Executive Board as to information and other materials to be obtained from members or other sources in the discharge of the duties and responsibilities of the Commission;

5. to facilitate inter-governmental arrangements for the international exchange, on a non-discriminatory basis, of technological information not involving national security.