

PREPARATORY COMMITTEE OF THE INTERNATIONAL CONFERENCE  
ON TRADE AND EMPLOYMENT

COMMITTEE III

RESTRICTIVE BUSINESS PRACTICES

SUMMARY RECORD OF THE EIGHTH MEETING

held on Monday 11 November 1946  
at 4.0 p.m.

Chairman: M. DIETERLEN (France)

1. Letter of 7 November 1946 from the President of the International Chamber of Commerce to the Executive Secretary

The CHAIRMAN stated that he had spoken with Mr. Phillips, President of the International Chamber of Commerce, regarding a letter which the Chamber had sent to the Executive Secretary on 7 November 1946. It appeared that the Chamber's views regarding restrictive business practices were similar to those of the Committee. Therefore, Mr. Phillips considered it unnecessary for him to consult with the Committee.

The CHAIRMAN regretted that he had been unable to see M. Duret, Representative of the World Federation of Trade Unions. He suggested, however, that the Secretariat might invite M. Duret to discuss with Mr. González any problems pertaining to the Committee's work.

2. Discussion of the Rapporteur's Draft of the Final Report of Committee III (Restrictive Business Practices) to the Preparatory Committee of the International Conference on Trade and Employment (E/PC/T/C.III/W.4)

The CHAIRMAN continued that the Rapporteur and his Advisers had prepared a draft of the final report of Committee III. This contained the three following parts:

- I. History of the Committee's work;
- II. Instructions to the Drafting Committee; and
- III. Revised text of Chapter V of the United States Draft Charter.

An Appendix would be added, containing the reservations made by delegations.

Mr. WYNDHAM-WHITE (Executive Secretary) explained that the Heads of Delegations expected that Parts I and II of the Committee's report would be published, but that Part III would not. For that reason, Part II of E/PC/T/C.III/W.4 should be expanded, so that it would present a clearer picture of the Committee's work.

Mr. HAKIM (Lebanon) suggested that Part II should contain a summary of the principles upon which the Committee had agreed.

Mr. WILCOX (United States) felt that the present discussion regarding the form of the Final Report was inappropriate for Committee III. Decision as to the form of the Final Report would have to be taken by the Heads of Delegations. He himself would have no objection to the publication of Part III. If Part III were not published, however, he thought it would be inadvisable to publish Part II.

Mr. SUIJTERS (President of the Preparatory Committee) requested a few moments in which to explain to the Committee the form that its Final Report should take. It should be in three parts, similar to those which it already contained. The Heads of Delegations had decided that Parts I and II should be published, but that Part III should not. It appeared to him that Mr. HAKIM's suggestion should be followed as regards expansion of Part II. It should be borne in mind, however, that the Drafting Committee should be permitted to alter the text when necessary although if a Committee unanimously agreed upon a text, the Drafting Committee would probably make few changes.

Mr. LEENDERTZ (Netherlands) said that he had made a reservation in regard to patents (Cf. Article 34, 3, f, of Rapporteur's Draft). He had also made a suggestion concerning the advisability of referring complaints to the International Court of Justice. He would like these observations included in the Report.

Mr. NAUDE (Union of South Africa) said that in the Report the South African Delegation was reported as supporting the Indian Delegation's reservation in regard to services, insofar as it related to shipping. He requested that his reservation be deleted.

Mr. HOLMES (United Kingdom) observed that in Part I reference was made to restricted documents. Since this portion would probably be published, it would be advisable to delete these references.

Mr. MONTEIRO DE BARROS (Brazil) requested that his remarks relating to services be altered and that a statement regarding public enterprises be added.

As Mr. MCGREGOR was to be temporarily absent, Messrs. WILCOX (United States) and HOLMES (United Kingdom) were requested to revise the text of Part II of the Committee's report, for Mr. MCGREGOR'S consideration upon his return.

The CHAIRMAN explained that he had to return to France, and expressed his regrets at leaving before the Committee's report was completed.

Mr. WILCOX (United States), speaking for the Committee, expressed his appreciation for the CHAIRMAN'S skill and fairness in conducting the sessions of the Committee, and for the great contribution which he had made to the successful conclusion of its work. Mr. HOLMES (United Kingdom) seconded this.

The CHAIRMAN thanked the Committee and the Secretariat for the co-operation they had given him.

The meeting rose at 5.47 p.m.