

FOURTH COMMITTEE: RESTRICTIVE BUSINESS PRACTICES

DRAFT CHARTER

ITALY: PROPOSED AMENDMENTS

Article 44 - General Policy Towards Restrictive Business Practices

The delegation of Italy proposes to substitute the verb DECIDE in paragraph 2 of this Article with the verb ESTABLISH.

Article 45 - Procedure with Respect to Investigations and Consultations

ACTUAL DRAFT

PROPOSED DRAFT

1. UNCHANGED
2. UNCHANGED
3. UNCHANGED
4. UNCHANGED
5. UNCHANGED

6. The Organization shall review all information available and decide whether the practices in question have had, have or are about to have the effect described in paragraph I of Article 44.

7. The Organization shall notify all Members of its decisions and the reasons therefor.

8. If the Organization decides that in any particular case the practices complained of have had, have or are about to have the effect described in paragraph I of Article 44, it shall request each Member concerned to take every possible remedial action, and may also recommend to the Member concerned remedial measures to be carried out in accordance with with respective laws and procedures.

9. ELIMINATED
10. ELIMINATED
11. UNCHANGED

6. The Organization shall review all information available and establish whether the practices in question have had, have or are about to have the effect described in paragraph I of Article 44.

7. The Organization shall notify all Members of its establishment and the reasons therefor.

8. If the Organization establishes that in any particular case the practices complained of have had, have or are about to have the effect described in paragraph I of Article 44, it shall recommend each Member concerned to take every possible remedial action, and may also recommend to the Members concerned remedial measures to be carried out in accordance with their respective laws and procedures.

Article 47

Article 47 - Obligations of Members

ACTUAL DRAFT

1. UNCHANGED
2. UNCHANGED
3. UNCHANGED
4. Each Member shall take full account of each request, decision and recommendation of the Organization under Article 45 and, in accordance with its system of law and economic organization, take in the particular case the action it considers appropriate having regard to its obligations under this Chapter.
5. UNCHANGED
6. UNCHANGED

PROPOSED DRAFT

4. Each Member shall take full account of each request and recommendation of the Organization under Article 45 and, in accordance with its system of law and economic organization, take in the particular case the action it considers appropriate having regard to its obligations under this Chapter.

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