

PREPARATORY COMMITTEE OF THE UNITED NATIONS CONFERENCE ON
TRADE AND EMPLOYMENT

TEXT OF ARTICLES TENTATIVELY AGREED AT THE FOURTEENTH MEETING

Article 44

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 45

Exceptions to the Provisions of this Chapter

1. The undertakings expressed in this chapter shall not apply to
 - (a) inter-governmental commodity arrangements meeting the requirements of Chapter VII;
 - (b) the international arrangements excepted in Article 59.
2. Notwithstanding the foregoing the Organization may in its discretion make recommendations to Members and to appropriate inter-governmental organizations concerning any features of the arrangements referred to in sub-paragraph 1 (b) of this Article which may have the effect described in paragraph 1 of Article 39.

NOTES

1. The Delegates for Brazil and Chile maintained the reservations their delegations had made at the First Session regarding the registration of restrictive business practices. The Delegate for Czechoslovakia made a similar reservation. The Delegate for Brazil also maintained the point of view of his delegation at the First Session that

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the register of restrictive business practices should be given some degree of publicity.

2. The Drafting Committee examined the desirability of re-inserting sub-paragraph (c) of paragraph 1 of Article 40 of the United States Draft Charter in Article 45. Various opinions were expressed. It became apparent that some doubt existed on this question. However, it was agreed that the matter could not be determined by the Drafting Committee as it was a question of substance but that it should be brought to the attention of the Second Session in the Report. It was also agreed to record in the Report a proposal by the Delegate for Chile that if the sub-paragraph were re-inserted it should read:

"inter-governmental agreements under the sponsorship of the Economic and Social Council, of the United Nations, the International Trade Organization and other specialized agencies concerning railway transportation, aviation, shipping and telecommunication services."

3. The Delegates for Brazil, Chile, Cuba and India maintained the reservations their delegations had made at the First Session regarding the extension to Chapter VI to cover services.

4. The Delegate for the Netherlands maintained the reservations his delegation had entered at the First Session that sub-paragraph (f) of paragraph 3 of Article 39 would require further study and that it would be preferable to provide in Article 40 for the submission of complaints to the International Court of Justice.
