

FOURTH COMMITTEE: RESTRICTIVE BUSINESS PRACTICES

SUB-COMMITTEE A

Draft Agenda Prepared by the Secretariat for the Fourth
Meeting to be Held 11 December at 10.30 a.m.

1. The alternative drafts prepared by the Secretariat subsequent to the ad-hoc committee's views in respect to amendments relating to the use of the words "decide" and "decision" in Chapter 5.
2. The new drafts of Article 45 and 45A to be presented by the representative of the United States of America, in connection with the amendments proposed by the Delegation of Mexico for the addition of:
 - (a) The following text at the end of paragraph 1 of Article 45 (No. 25 of E/CONF.2/C.4/4): "the members invited to take part in a consultation shall be chosen in equal numbers from each group proposed for this purpose by the parties affected by the dispute"
 - (b) The following words in paragraph 4 of Article 45: "after hearing the opinion of the Members referred to in the final part of paragraph 1 of this Article." (No. 29 of E/CONF.2/C.4/4).
3. The new draft of Article 48 to be presented by the representative of United Kingdom in relation to the amendment proposed by the Delegation of Mexico for the deletion of that Article (No. 51 of E/CONF.2/C.4).
4. Reconsideration of the amendment proposed by the Delegation of Afghanistan for the insertion of the following words in sub-paragraph C, paragraph 3, Article 44 (No. 16 of E/CONF.2/C.4/4): "Including the discriminatory establishment of exclusive agencies detrimental to a member's economy."
5. Continuation of the discussion of the new draft of paragraphs 1 and 2, Article 44, proposed by the Delegation of Norway (No. 5 and 9 of E/CONF.2/C.4/4)

6. Amendments proposing that in Chapter 5, no reference be made to public enterprises. These amendments are as follows:

- (a) Deletion of the words: "whether engaged in by private or public commercial enterprises" in paragraph 1, Article 44, and paragraph 1, Article 45. Amendments proposed by the Delegations of Argentina and Mexico, (No. 1, 4, 25 and 26 of E/CONF.2/C.4/4).
- (b) Addition of the words: "subject to the provisions of paragraph 4 of this Article", to paragraph 1, Article 44, to paragraph 2 of the same Article, and to paragraph 1 of Article 47. Amendments proposed by the Delegation of Mexico, (No. 4, 8, 21 and 45 of E/CONF.2/C.4/4).
- (c) Deletion of the words "or public" in sub-paragraph b, paragraph 2, Article 44. Amendments proposed by the Delegation of Argentina and Mexico, (No. 11 and 12 of E/CONF. 4/4).
- (d) Deletion of the words, "between public commercial enterprises or between private and public commercial enterprises" in sub-paragraph B, paragraph 2, Article 44. Amendment proposed by the Delegation of Argentina (No. 11 of E/CONF.2/C.4/4)
- (e) Deletion of the words: "or by a combination, agreement or other arrangement between commercial enterprises, whether between private commercial enterprises, between public commercial enterprises, or between private and public commercial enterprises" in sub-paragraph (b) paragraph 2, Article 44. Amendment proposed by the Delegation of Mexico. (No. 12 of E/CONF.2/C.4/4)
- (f) Deletion of paragraph 4 of Article 44 proposed by the Delegation of Argentina. (No. 23 of E/CONF.2/C.4/4)
- (g) The new text of paragraph 4, Article 44 proposed by the Delegation of Mexico (No. 24 of E/CONF.2/C.4/4)
- (h) Deletion of the words "private and public" in paragraph 1, Article 47. Amendment proposed by the Delegations of Argentina and Mexico. (No. 44 and 45 of E/CONF.2/C.4/4)
- (i) Deletion of the words "provided that in the case of a complaint against a single public commercial enterprise acting independently, such complaint may be presented only by a Member on its own behalf and only after the Member has resorted to the procedure under paragraph 1 of this Article", in paragraph 2, Article 45. Amendment

/proposed

proposed by the Delegation of Argentina (No. 27 of E/CONF.2/C.4/4)

- (j) Addition of the words "other than the exceptions provided for in paragraph 4 of Article 44". Amendment proposed by the Delegation of Mexico, in paragraph 8, Article 45, (No. 38 of E/CONF.2/C.4/4)
- (k) Deletion of the word "concerned" and addition of the words referred to in paragraph 8" in paragraph 9, Article 45. Amendment proposed by the Delegation of Mexico. (No. 40, of E/CONF.2/C.4/4)
