

CHAPTER V.—RESTRICTIVE BUSINESS PRACTICES

Article 44

General Policy towards Restrictive Business Practices

1. Each Member shall take appropriate measures, individually or through the Organization or in both ways, to prevent business practices affecting international trade (whether engaged in by private or public commercial enterprises) which restrain competition, limit access to markets, or foster monopolistic control, whenever such practices have harmful effects on the expansion of production or trade and interfere with the achievement of any of the other objectives set forth in Article 1.

2. Without limiting the generality of paragraph 1 of this Article, and in order that the Organization may decide in a particular instance whether certain practices have or are about to have any of the effects described in paragraph 1 of this Article, the Members agree that complaints regarding any of the practices listed in paragraph 3 of this Article shall be subject to investigation in accordance with the procedure regarding complaints provided in Articles 45 and 47, whenever

- (a) Such a complaint is presented to the Organization ; and
- (b) The practices are engaged in or are made effective by one or more private or public commercial enterprises 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 ; and
- (c) Such commercial enterprises, individually or collectively, possess effective control of trade between two or more countries in one or more products.

3. The practices referred to in paragraph 2 of this Article are the following :

- (a) Fixing prices or terms, or conditions to be observed in dealing with third parties, in the purchase, sale or lease of any product ;
- (b) Excluding enterprises from any territorial market or field of business activity, allocating or dividing any territorial market or field of business activity, allocating customers, or fixing sales quotas or purchase quotas ;
- (c) Discriminating against particular enterprises ;
- (d) Limiting production or fixing production quotas ;
- (e) Preventing by agreement the development or application of technology or invention whether patented or unpatented ;