

Should this not result in satisfaction being obtained, the matter may be referred to the Organization. At this point the Organization has two alternatives—

- (a) To refer the complaint to the appropriate inter-governmental Organization if one exists ; and, if not—
- (b) To promote an international agreement to meet the situation.

With a view to avoiding conflict in functions as between the I.T.O. and the recently established Inter-governmental Maritime Consultative Organization, it was decided that Article 53 should not apply to shipping services which are subject to the Convention of the latter Organization. An interpretative note to that effect is included in Annex P to the Charter.

The sequence of procedure for complaint and investigation is as follows :—

- (a) Any Member is entitled to complain to the Organization if it considers its trade is affected adversely on account of practices employed in other countries by any business enterprise or combination of enterprises. Members agree that properly founded complaints shall be subject to investigation.
- (b) Consultation may take place in the first place between the Members concerned, but the injured Member can request the Organization to assist at the consultation.
- (c) An effected Member may proceed directly to present a complaint in writing to the Organization, provided that consultation must precede written complaint if it is against a single Government-controlled agency. The Organization may request any information it thinks necessary in order that it might be in a position to determine the validity of the complaint. If the complaint is substantiated, the Organization shall arrange for or conduct a hearing, and must give all interested parties an opportunity of presenting evidence if they so desire.

After hearing the case the Organization is to notify all Members of its decision, request that remedial action be taken, and publish a full report of the evidence, and action taken by the offending Member.

- (d) The Organization may, on its own initiative, or on request, conduct studies relative to the incidence, effect, and general operation of restrictive business practices, and may request information from Members to facilitate its study. Following such a study it may make recommendations to Members relative to their conventions and laws in so far as they relate to business practices.