

## THE COUNCIL

Having regard to Article 5(b) of the Convention on the Organisation for Economic Co-operation and Development of 14th December 1960 ;

Having regard to the Resolution of the Council of 5th December 1961 concerning Action in the Field Restrictive Business Practices and the Establishment of a Committee of Experts [Doc. No. OECD/C(61)47(Final)] ;

Having regard to the Report by the Committee of Experts on Restrictive Business Practices concerning Co-operation Between Member Countries on Restrictive Business Practices Affecting International Trade [Doc. No. C(67)53] ;

Recognising that the diminution of free competition through restrictive business practices may have an adverse effect on achievement of the trade-expansion and economic-growth aims of Member countries as set out in Article 1 of the Convention ;

---

(\*) The Delegate for Switzerland abstained.

Recognising that closer co-operation between Member countries is needed in this field but that the present powers of the authorities of Member countries to co-operate are limited to various degrees ;

Recognising, moreover, that the unilateral application of national legislation, in cases where business operations in other countries are involved, raises questions as to the respective spheres of sovereignty of the countries concerned ;

Considering therefore that a closer co-operation between Member countries in the form of consultations, exchanges of information and co-ordination of efforts on a fully voluntary basis should be encouraged it being understood that such co-operation should not in any way be construed to affect the legal positions of Member countries with regard to such questions of sovereignty, and in particular the extra-territorial application of laws concerning restrictive business practices, as may arise ;

#### I. RECOMMENDS to the Governments of Member countries

1. (a) that, in so far as their laws permit, when Member countries undertake under their restrictive business practices laws an investigation or a proceeding involving important interests of another Member country, they should notify such Member country in a manner and at a time deemed appropriate. Notification should, where appropriate, take place in advance in order to enable the proceeding Member country, while retaining full freedom of ultimate decision, to take account of such views as the other Member country may wish to express and of such remedial action as the other Member country may find it feasible to take under its own laws to deal with the restrictive business practice ;

(b) that, where two or more Member countries proceed against a restrictive business practice in international trade, they should endeavour to co-ordinate their action in so far as appropriate and practicable under national laws ;

2. to supply each other with any information on restrictive business practices in international trade which their laws and legitimate interests permit them to disclose ;

3. to co-operate in developing or applying mutually beneficial methods of dealing with restrictive business practices in international trade.

II. INSTRUCTS the Committee of Experts on Restrictive Business Practices to keep under review developments connected with the present Recommendation and to examine periodically the progress made in this field.

---

In adopting this Recommendation, the Council :

1. NOTED the Report by the Committee of Experts on Restricted Business Practices of 12th June 1967, referred to above, and its Appendix [Doc. No. C(67)53] ;

2. NOTED that the Austrian and Danish authorities associated themselves with the observations in that Appendix particularly with those in paragraphs 1 (a) and 2 ;

3. NOTED the views of the B.I.A.C. as explained in the letter from its Chairman of 14th September 1967, as set out in Doc. No. C(67)93.

4. AGREED that the Recommendation, as amended, should be derestricted.