PUBLICATIONS NOTED

Annual Report 1982 On Legislative And Other Developments In Developed And Developing Countries In The Control Of Restrictive Business Practices, prepared by the Secretariat of the United Nations Conference on Trade and Development, Geneva, 1983, TD/B/RBP/11. This is the fifth such report and is issued pursuant to a provision of the Set of multilaterlally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices which was adopted by a resolution of the United Nations General Assembly in 1980. Using both press reports and information supplied by governments and international agencies, the report surveys legislative developments and enforcement activities throughout the world. While noting a few legislative developments and reviewing enforcement activity, the report states:

> "The period under review has generally witnessed a marked regression in the control of restrictive business practices. Not only have policies which have evolved through time and experience in the control of restrictive business practices been subject to questionning, but so also have been the very rules of the game for international trade relations agreed upon by major trading partners followign the Second World War. As was recognized at the time of the drawing up of the Havana Charter in 1947, the maintenance of an open trading system and the control of restrictice business practices go hand in hand. Although the Charter did not see the light of day, many saw the adoption of the Set of Principles and Rules in December 1980 as completing the process then launched by providing norms for business practices to complement those in force in the form of the General Agreement on Tariffs and Trade (GATT). Not to control restrictive business practices by enterprises is simply to provide a back door for doing what governments are reluctant to do through the front door, namely, to restrict trade, in particular through raising tariffs or imposing quotas.
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> "Restrictive practices directly affecting trade - namely, collusive arrangments at national and international levels with regard to exports and imports, and practices by enterprises individually, collectively or through parallel behavior in relation to imports and exports - have grown during the period. In many cases, governments, under pressure from domestic enterprises, have authorized or even encouraged the use of practices aimed at protecting 'sensitive' sectors of the domestic economy. Such measures have included: the authorization of agreements among manufacturers or purchasers, the establishment of joint ventures, and the reorganization or restructuring of sectors through mergers and takeovers, including in certain cases the authorization of interlocking directorates. Moreover, the resort to 'managed trade' and 'voluntary export restraints', whereby enterprises in importing and exporting countries agree among themselves on levels of export and prices to be charged have become increasingly common."

Bruce Dunlop, Is Competition Unbecoming?, Canadian Business Law Journal, Vol. 8 No. 2, Sept., 1983. A commentary on the effects of the Jabour case on

advertising by lawyers.

George Takach, Exclusive Dealing After Bombardier: The Law is Not a Great Deal Clearer Than Before, Canadian Business Law Journal, Vol. 8 No. 2., Sept., 1983.

J.C.H. Jones and L. Laudadio, Risk, Profitability and Market Structure: Some Canadian Evidence on Structural and Behavioral Approaches to Antitrust, The Antitrust Bulletin, Vo. XXVIIII, No. 2, summer, 1983. They find empirically that structural factors are significant determinants of profitability. They point out that this affects the usefulness of profit variability as a determinant of risk. They apply their findings to conclude that application of merger policy should not have to await proof of anti-competitive conduct.

A. Litvak and C.J. Maule, Competition Policy and Newspapers in Canada, The Antitrust Bulletin, Vo. XXVIII, No. 2, Summer, 1983. Reviews the various official reports and studies over the past dozen years including the 1982 proposals of the then Minister of State for Multiculturism James Fleming. They conclude that the latter, "while clumsy and liable to all kinds of administrative discretion, are perhaps understandable in terms of Canadian cultural concerns and the lack of effectiveness of the existing Combines Invesitigation Act."