



Negotiating Group on the Multilateral Agreement on Investment (MAI)

Drafting Group No.3 on Definition, Treatment and Protection of Investors and Investments

AGENDA

Meeting on 28-29 January 1997

**DG N° 3 ON DEFINITION, TREATMENT AND PROTECTION
OF INVESTORS AND INVESTMENTS**

Agenda

28-29(am) January 1997

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| 1. | Adoption of the Agenda | DAFFE/MAI/DG3/A(97)1 |
| 2. | Approval of the Summary Record | DAFFE/MAI/DG3/M(96)3 |
| 3. | Definition of Investor and Investment | |
| | -- Note by the Chair | DAFFE/MAI/DG3(97)1 |
| | <u>For reference</u> | |
| | -- Contribution by one delegation | DAFFE/MAI/DG3/RD(97)1 |
| | -- Consolidated Texts and Commentary | DAFFE/MAI(97)1 |
| 4. | Intellectual Property | |
| | <u>For reference</u> | |
| | -- Note by one delegation | DAFFE/MAI/RD(96)46 |
| | -- Note by one delegation | DAFFE/MAI/DG3/RD(96)11 |
| | -- Contributions by Member Countries | |
| 5. | Report to the Negotiating Group | |
| 6. | Future Work and Other Business | |

NOTES TO THE AGENDA

- Item 2:** The main task of the Drafting Group is to consider and attempt to resolve the outstanding questions concerning the definition of “investment”, in particular the issues identified in the Chairman’s Note. Consideration of these issues should take account of the advice on financial issues to be given by EG5 which meets on 27-29(am) January. One delegation has made a new contribution [DAFFE/MAI/DG3/RD(97)1].
- Item 3:** The Group is invited to hold a first full-fledged discussion of the treatment of intellectual property under the MAI, including artistic and literary property, taking account of the contributions by two delegations [DAFFE/MAI/DG3/RD(96)11 and DAF/MAI/RD(96)46].
- Item 4:** The Drafting Group is expected to report to the Negotiating Group at its session on 29(pm)-31 January with respect to the definition of investment.
- Item 5:** At its February meeting, the Drafting Group will be expected to prepare proposals, including text where appropriate, on intellectual property, including artistic and literary property. The Group will also be expected to prepare draft text for a preamble and a provision which calls for MAI countries not to lower standards in order to attract investment.

ANNEX

REVISED MANDATE FOR DRAFTING GROUP N° 3 ON THE “DEFINITION, TREATMENT AND PROTECTION OF INVESTORS AND INVESTMENTS”

1. The Drafting Group, open to participation of all delegations, is charged with preparing proposed solutions to the outstanding issues in the consolidated texts and commentaries, particularly with respect to the definition of investor and investment taking into account the advice of Expert Group N° 5 on Financial Services Matters.
2. The Group will make proposals, including text where appropriate, on issues concerning intellectual property, including artistic and literary property.
3. The Group is charged with preparing draft text for a preamble to the MAI.
4. The Group is also charged with preparing draft text for a provision which calls for MAI countries not to lower standards in order to attract investment.
5. The Group will meet in January and February. It will report to the Negotiating Group on the definition of investment at its session in January 1997, and on items 2, 3 and 4 in February 1997.
6. The Group will terminate after its February Report to the Negotiating Group, unless the Negotiating Group decides otherwise.

Chair: Mr Jérôme Haas (France)