

Unclassified

DAFFE/MAI/DG3/A(98)2



Organisation for Economic Co-operation and Development
Organisation de Coopération et de Développement Economiques

9 February 1998

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 20 February 1998

This document was issued during the MAI negotiations which took place between 1995 and 1998.
All available documentation can be found on the OECD website: www.oecd.org/daf/investment

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

AGENDA

20 February 1998

- 1. Adoption of the Agenda** DAFFE/MAI/DG3/A(98)2

- 2. Approval of the Summary Record of the meeting held on 15 and 19 January 1998** DAFFE/MAI/DG3/M(98)1

- 3. Draft Article on Lodging Country Specific Exceptions**

For reference
 - Report to the Negotiating Group DAFFE/MAI/DG3(97)19
 - Background Note by the Secretariat on International Industry Classifications DAFFE/MAI/DG3/RD(97)21

- 4. Labour and Environment**

For reference
 - Report to the Negotiating Group DAFFE/MAI/DG3(98)2
 - Note by the Chairman DAFFE/MAI/DG3(97)18
 - Contributions from countries DAFFE/MAI/DG3/RD(98)1-8

- 5. Other Business/Future Work**

Notes to the Agenda

Item 1. Adoption of the Agenda

The list of Agenda items might be lengthened or amended depending on the results of the Negotiating Group at its plenary meeting on 19 February 1998.

Item 3. Draft Article on Lodging Country Specific Exceptions

The Group is invited to finalise the draft text of the interaction to Annex A to the Article on the lodging of country-specific exceptions on the basis of Part II of the Report to the Negotiating Group DAFFE/MAI/DG3(98)1, p. 10. Delegations will be expected in particular to finalise the language of paragraph 3. Delegations may also wish to discuss the outstanding issues raised in footnotes 5 and 6 (DAFFE/MAI/DG3(98)1, pp. 10 - 11).

Countries which maintain scrutiny reserves are invited to finalise their position.

Item 4. Labour and Environment

a) *“Not lowering standards”*

The Group is invited to continue its consideration of texts on “not lowering standards” on the basis of the Note by the Chairman DAFFE/MAI/DG3(97)18 and the summary of the previous discussions DAFFE/MAI/DG3(98)2.

The Chairman also invites the Group to consider an additional point: does “not lowering standards” language cover only the application or administration of existing laws or extend to changes in law by legislatures made with full democratic process?

Drafting proposals are invited.

b) *Additional clause*

The Group is invited to continue its consideration of the possibility of a clause taking into account Article XX in the GATT, paragraph 4 in the draft MAI Article on Performance Requirements and NAFTA, paragraph 1114(1), on the basis of the Note by the Chairman DAFFE/MAI/DG3(97)18 and the Report DAFFE/MAI/DG3(98)2.

Drafting proposals are invited.

c) *Preamble*

The Group is invited to give a “third reading” to the preamble in view of the text in the Report DAFFE/MAI/DG3(98)2.