



Negotiating Group on the Multilateral Agreement on Investment (MAI)

Expert Group No.3 on “Special Topics”

AGENDA

Meeting on 14-15 October 1996

EXPERT GROUP N°3: "SPECIAL TOPICS"

AGENDA

14-15 October 1996

- 1. Adoption of the Agenda** DAFFE/MAI/EG3/A(96)4
- 2. Adoption of the Summary Record of the meeting on 9-11 September 1996** DAFFE/MAI/EG3/M(96)3
- 3. Privatisation**
 - Contribution by one delegation DAFFE/MAI/EG3/RD(96)4
 - Expert Group's Report to the Negotiating Group (pages 28-34) DAFFE/MAI/EG3(96)7
- 4. Monopolies/State Enterprises**
 - Contribution by one delegation DAFFE/MAI/EG3/RD(96)5
 - Contribution by one delegation DAFFE/MAI/EG3/RD(96)6
 - Expert Group's Report to the Negotiating Group (pages 35-43) DAFFE/MAI/EG3(96)7
- 5. Key Personnel**
 - Note by the Chairman DAFFE/MAI/EG3(96)15
 - Expert Group's Report to the Negotiating Group (pages 3-13) DAFFE/MAI/EG3(96)7
- 6. Performance Requirements**
 - Expert Group's Report to the Negotiating Group (pages 18-22) DAFFE/MAI/EG3(96)7

7. Investment Incentives

- Contribution by one delegation DAFFE/MAI/EG3/RD(96)7
- Expert Group's Report to the Negotiating Group (pages 23-27) DAFFE/MAI/EG3(96)7

For reference

- Contribution by one delegation DAFFE/MAI/EG3/RD(96)3
- Investment Incentives in Existing Agreements DAFFE/MAI/EG3(96)14/REV1

8. Corporate Practices

- Expert Group's Report to the Negotiating Group (pages 45-47) DAFFE/MAI/EG3(96)7

9. Research and Development/Technology

- Contribution by one delegation DAFFE/MAI/EG3/RD(96)8

10. Other business

Reference documents:

- Consolidated texts and comments by Drafting Groups N°1, N°2 and N°3 DAFFE/MAI(96)16/REV1
- Report by Expert Group No. 1 on Dispute Settlement and Geographical Scope DAFFE/MAI/EG1(96)5
- Report by Expert Group No. 2 on the Treatment of Tax Measures in the MAI DAFFE/MAI/EG2(96)8

Notes to the Agenda

The Expert Group will be invited to pursue its work under the new mandate given to it by the Negotiating Group at its September 1996 meeting (attached). It should develop specific proposals including, where possible, text on agenda items 3 to 8. It should also examine issues related to Research and Development/Technology.

This work would be carried out on the basis of earlier documents and new contributions from the Chairman and especially from delegations. At its October meeting, it would be desirable that the Expert Group make progress on text whenever appropriate and on issues not yet fully discussed.

Item 3-4

In response to the Chairman's invitation to delegations after the adoption of the new mandate, one delegation will submit draft text on Privatisation [DAFFE/MAI/EG3/RD(96)4] while two other delegations will submit draft texts on Monopolies/State Enterprises [DAFFE/MAI/EG3/RD(96)5 and [DAFFE/MAI/EG3/RD(96)6]. The Expert Group will be invited to examine these proposals on 14 October 1996.

Items 5-6

With regard to Key Personnel, the Expert Group will be invited to consider the draft text proposed by the Chairman [DAFFE/MAI/EG3(96)15] which attempts to combine the proposals presented in its report to the Negotiating Group [pages 3-13 in DAFPE/MAI/EG3(96)7], including the draft article proposed by one delegation. On the issue of Performance Requirements, the Expert Group will be invited to work on the basis of the draft article in the report (see pages 18-22). These two subjects could be taken up on the morning and early afternoon of 15 October 1996, or earlier if the discussion of items 3-4 permits.

Items 7 and 9

One delegation has prepared a separate note on definitional and transparency issues concerning investment incentives [DAFFE/MAI/EG3/RD(96)7]. One other delegation has also submitted a discussion paper on the treatment of Research and Development/Technology in the MAI [DAFFE/MAI/EG3/RD(96)8]. The Experts could be invited to provide their views on these notes in the afternoon of 15 October 1996.

Item 8

Some time could be made available to discuss the subject of Corporate Practices. Experts could be invited to provide indications on how this issue should be addressed, drawing on the commentary in the Expert Group report (pages 44-47).

Item 10

The Expert Group will be invited to discuss the agenda of its November 1996 session, keeping in mind that it will need to submit its final proposals to the Negotiating Group at its December 1996 meeting.

Annex

REVISED MANDATE FOR EXPERT GROUP NO. 3 ON "SPECIAL TOPICS"

1. The Expert Group, open to participation of all delegations, is charged with preparing specific proposals including, where possible, text on each of the following "special topics":
 - a. Key Personnel
 - b. Performance Requirements
 - c. Privatisation
 - d. Monopolies/State Enterprises
 - e. Investment Incentives
 - f. Corporate Practices
2. The Group will also examine issues relating to Research and Development/Technology.
3. The Group will meet in October and November and report to the Negotiating Group at its session in December 1996.
4. The Group will terminate after its Report to the Negotiating Group, unless the Negotiating Group decides otherwise.