



Negotiating Group on the Multilateral Agreement on Investment (MAI)

Expert Group No.3 on “Special Topics”

AGENDA

Meeting on 27-29 January 1997

EXPERT GROUP N°3 “SPECIAL TOPICS”

AGENDA

27-29 January 1997

1. **Adoption of the Agenda** DAFFE/MAI/EG3/A(97)1
2. **Adoption of the Summary Record of the meeting on 16-18 November 1996** DAFFE/MAI/EG3/M(96)5
3. **Research and Development/Technology**
 - Proposal by one delegation DAFFE/MAI/EG3/RD(96)11
 - For Reference:
 - The MAI and Technology Protectionism Background and Proposed Text DAFFE/MAI/EG3/RD(96)8
4. **Non-discriminatory barriers (“market needs” tests)**
 - Note by the Chairman DAFFE/MAI/EG3(97)1
 - Background Note by the Secretariat DAFFE/MAI/EG3(97)2
 - For reference
 - Summary record of the October 1996 meeting of the Negotiating Group DAFFE/MAI/M(96)6
 - Note by the Chairman of the Negotiating Group DAFFE/MAI(96)28
5. **Concessions**
 - Note by one delegation DAFFE/MAI/EG3/RD(97)1

6. Report to the Negotiating Group

For reference

--Multilateral Agreement on Investment: Consolidated texts and commentary	DAFFE/MAI(97)1
--Conclusions of the Chairman on Selected Issues Arising from Drafting Group N° 3 on Definition, Treatment and Protection of Investors and Investments	DAFFE/MAI(97)2
--Contribution by one delegation on Selected Issues Arising from EG3	DAFFE/MAI/RD(96)57
-- Contribution by one delegation on Monopolies	DAFFE/MAI/EG/RD(96)14 DAFFE/MAI/EG3/RD(97)1
--Contribution by one delegation on Privatisation, Monopolies and State Enterprises	DAFFE/MAI/EG3/RD(96)13

7. Other business

Notes to the Agenda

Items 3-6

The meeting will start sharply at 9:30 a.m. on 27 January 1997.

In accordance with its mandate (attached), the Expert Group will need to finalise specific proposals including proposals, where possible, for text on all the subjects assigned to it for consideration by the Negotiating Group at its 29 (p.m.)-31 January 1997 meeting.

In view of the flexibility suggested last December by the Chairman of the Negotiating Group in order to move forward on completion of MAI texts, the Chairman proposes that the **opening plenary session take place in the morning of 27 January 1997** and the **closing plenary session in the morning of 29 January 1997**. He also proposes that **informal consultations and/or informal sessions** be held in between as appropriate.

Items 3 (Research & Development /Technology), **4** [Non-discriminatory barriers (“market needs tests)] and **5** (Concessions) will be discussed at the opening plenary session because these subjects have not yet been examined by the Expert Group.

The purpose of the **informal consultations and/or informal sessions** would be to find solutions to outstanding issues on the remaining special topics in the Expert Group’s mandate (Key Personnel, Performance Requirements, Privatisation, Monopolies/State Enterprises and Investment Incentives) for formal consideration by the Expert Group at its concluding session. These informal discussions will be based on existing draft texts and any other proposals made by delegations.

The Chairman designates five delegations to act as co-ordinators for the informal sessions. He will further consider the arrangements for the informal discussions and present suggestions to delegations before the meeting. Delegations are also invited to transmit to the Chairman their suggestions on how to organise the informal discussions before the meeting .

The Expert Group will finalise its report to the Negotiating Group (**item 6**) on the basis of the results of the opening plenary session and the informal discussions.

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/Concessions
 - e. Investment Incentives
2. The Group will also examine issues relating to:
 - a. Research and Development/Technology
 - b. Non-discriminatory barriers (“market needs” tests)
3. The Group will meet in January 1997 and report to the Negotiating Group at its January session on:
 - a. Further progress on the topics listed in paragraph 1; and
 - b. The results of its consideration of the topics listed in paragraph 2.
4. The Group will terminate after its January Report to the Negotiating Group, unless the Negotiating Group decides otherwise.