



Negotiating Group on the Multilateral Agreement on Investment (MAI)

Expert Group No.3 on “Special Topics”

SUMMARY RECORD

Meeting on 14-15 October 1996

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1. Adoption of the Agenda

The Expert Group adopted the Agenda [DAFFE/MAI/EG3/A(96)4].

2. Approval of the Summary Record of the meeting held on 9-11(a.m.) September 1996.

The Expert Group adopted the Summary Record [DAFFE/MAI/EG3/M(96)3].

3- Privatisation

The Expert Group:

- Held a preliminary exchange of views on the draft article on Privatisation submitted by one delegation [Section I of DAFPE/MAI/EG3/RD(96)10];
- Agreed to pursue its discussion of this proposal at its November 1996 meeting on the basis of a revised text by the delegation and a commentary* summarising the views expressed by delegations during the discussion.

4. Monopolies/State Enterprises

The Expert Group:

- Considered the draft article on Monopolies [DAFFE/MAI/EG3/RD(96)5] proposed by one delegation and the draft articles on Monopolies and State Enterprises [DAFFE/MAI/EG3/RD(96)6] by another delegation;
- Noted the comments by delegations on the various elements of these proposals;
- Agreed to pursue its discussion on this subject at its next meeting on the basis of a combined draft text by the Chairman and a commentary* summarising the views expressed by delegations during the discussion.

* Delegates will be invited to comment in writing on a preliminary draft of each commentary before its finalisation.

5. Key Personnel

The Expert Group:

- Considered the draft text proposed by the Chairman [DAFFE/MAI/EG3/(96)15] and the contribution by one delegation on this subject [Section II of DAFFE/MAI/EG3/RD(96)10];
- Agreed to pursue its discussion on this subject at its next meeting on the basis of a revised text by the Chairman and a commentary* summarising the views expressed by delegations during the discussion.

6. Performance Requirements

The Expert Group:

- Considered the draft article on Performance Requirements elaborated by the Group under its previous mandate and reproduced on pages 18-22 of its report to the Negotiating Group [DAFFE/MAI/EG3(96)7] ;
- Noted the changes proposed by Delegations, including those proposed by one delegation in Section III of DAFFE/MAI/EG3/RD(96)10;
- Agreed to pursue its examination of this article at its next meeting on the basis of a revised text by the Chairman that would take into account these suggestions.

7. Investment Incentives Performance Requirements

The Expert Group:

- Considered the proposals by two delegations [DAFFE/MAI/ EG3/RD(96)7 and Section IV of DAFFE/MAI/EG3/RD(96)10];
- Noted the comments of delegations on these two contributions;
- Agreed to pursue its examination of this subject at its next meeting on the basis of a revised proposal by one delegation, the note by one other delegation [DAFFE/MAI/ EG3/RD(96)7] and a commentary* summarising the views expressed by delegations during the discussion.

* Delegates will be invited to comment in writing a preliminary draft of each commentary before its finalisation.

8. Corporate Practices

The Expert Group:

- Considered the contributions by two delegations [DAFFE/MAI/EG3/RD(96)7 and Section V of DAFEE/MAI/ EG3/RD(96)10];
- Noted the comments by delegations on these two Notes;
- Agreed to pursue its examination of this subject at its next meeting on the basis of these two contributions and a commentary* summarising the views expressed by delegations during the discussion.

9. Research and Development/Technology

The Expert Group:

- Considered the contribution by one delegation [DAFFE/MAI/ EG3/RD(96)8];
- Noted the comments by delegations on this note;
- Agreed to bring this proposal to the attention of the Negotiating Group for possible consideration when the main provisions of the Agreement would be more clearly defined.

10. Other business

- At its 18-20 November 1996 meeting, the Expert Group will need to finalise its proposals with respect to all the items listed in its mandate. These proposals, including proposals for text where possible, must be submitted to the Negotiating Group for its consideration at its December 1996 meeting.

* Delegates will be invited to comment in writing a preliminary draft of each commentary before its finalisation.