



Negotiating Group on the Multilateral Agreement on Investment (MAI)

Expert Group No.3 on “Special Topics”

SUMMARY RECORD

Meeting on 27-29 January 1997

EXPERT GROUP N° 3 ON “SPECIAL TOPICS”

Summary Record

Meeting on 27-29 January 1997

1. Adoption of the Agenda

The Expert Group adopted the Agenda [DAFFE/MAI/EG3/A(97)1] and the organisation of the discussions suggested in the annotation to the agenda.

2. Approval of the Summary Record of the meeting held on 18-20 November 1996

The Expert Group adopted the Summary Record [DAFFE/MAI/EG3/M(96)5].

3. Research and Development/Technology

The Expert Group considered one delegation's proposal for a draft article on R&D consortia and related activities [DAFFE/MAI/EG3/RD(96)11 and DAFPE/MAI/EG3/RD(96)8] at its plenary session on 27 January 1997. The summary and conclusions of these discussions are recorded in the Expert Group Report to the Negotiating Group [DAFFE/MAI/EG3(97)3].

4. Non-discriminatory barriers (“market needs” tests)

The Expert Group examined the need for MAI provisions on non-discriminatory barriers (e.g. “market needs” tests) at its plenary session on 27 January 1997 on the basis of a note by the Chair [DAFFE/MAI/EG3(97)1], a proposal by one delegation [DAFFE/MAI/EG3/RD(97)2] and a background note by the Secretariat [DAFFE/MAI/EG3(97)2]. The summary and conclusions of these discussions are recorded in the Expert Group Report to the Negotiating Group [DAFFE/MAI/EG3(97)3].

5. Concessions

The Expert Group held a preliminary discussion of one delegation's proposal for a MAI definition and transparency article on Concessions [DAFFE/MAI/EG3/RD(97)1] at its plenary session on 27 January 1997. The summary and conclusions of these discussions are recorded in the Expert Group Report to the Negotiating Group [DAFFE/MAI/EG3(97)3].

6. Report to the Negotiating Group

At its closing plenary session on 29 January 1997, the Expert Group finalised its conclusions on the three new subjects in its mandate [Research and Development/Technology, Non-discriminatory barriers (“market needs” tests) and Concessions] for consideration by the Negotiating Group at its 29 (p.m.)-31 January 1997 meeting.

The Expert Group also took note of the results of the informal consultations/sessions held by the Chairman-designated co-ordinators on the remaining outstanding issues: Key Personnel, Performance Requirements, Privatisation, Monopolies/State Enterprises/Concessions and Investment Incentives. It

noted the contributions made by one delegation in this context on the subjects of key personnel [DAFFE/MAI/EG3/RD(97)4] and monopolies and state enterprises [DAFFE/MAI/EG3/RD(97)3] and by another delegation on the subject of investment incentives [DAFFE/MAI/EG3/RD(97)5 and DAFPE/MAI/EG3/RD(97)6]. The Expert Group decided to incorporate the reports by the co-ordinators in its report to the Negotiating Group [DAFFE/MAI/EG3(97)3] for consideration at its January 1997 meeting.

7. Other business

With the submission of the report [DAFFE/MAI/EG3(97)3], the Expert Group has completed its mandate.

In taking note of this report, the Negotiating Group encouraged Mr Ahnlid, with the help of the co-ordinators concerned, to pursue informal discussions on the subjects of Performance Requirements, Privatisation and Concessions. This led Mr Ahnlid to submit to the Negotiating Group an addendum to the Expert Group's original report summarising the results of these discussions. This additional note was approved, under written procedure, on 17 February 1997 [DAFFE/MAI/EG3(97)3/ADD].