



Negotiating Group on the Multilateral Agreement on Investment (MAI)

Expert Group No.4 on “Institutional Matters”

AGENDA

Meeting on 21-22 November 1996

EXPERT GROUP N° 4 ON INSTITUTIONAL MATTERS

AGENDA

21-22 November 1996

1. **Adoption of the Agenda** DAFFE/MAI/EG4/A(96)2
2. **Approval of the Summary Record of the meeting held on 18 October 1996** DAFFE/MAI/EG4/M(96)1
3. **Implementation and operation of the MAI**
 - Note by the Chairman DAFFE/MAI/EG4(96)3
 - Contributions from Member countries
 - For Reference:
 - Implementation and Operation of the MAI (Note by the Chairman) DAFFE/MAI/EG4(96)1
 - Implementation of the MAI (Contribution by one delegation) DAFFE/MAI/EG4/RD/(96)1
 - Selected Texts DAFFE/MAI/RD(96)40
 - Summary Record of the meeting of the Negotiating Group held on 11-13 September 1996 DAFFE/MAI/M(96)5
 - Implementation of the Agreement: Role of the Parties Group (Note by the Chairman of the Negotiating Group) DAFFE/MAI(96)24
4. **Accession**
 - Note by the Chairman DAFFE/MAI/EG4(96)4
 - For Reference:
 - Accession of Non-Members (Note by the Chairman) DAFFE/MAI/EG4(96)2
 - Selected Texts DAFFE/MAI/RD(96)40
 - Summary Record of the meeting of the Negotiating Group held on 11-13 September 1996 DAFFE/MAI/M(96)5

Implementation of the Agreement: Role of the Parties Group
(Note by the Chairman of the Negotiating Group) DAFFE/MAI(96)24

5. The MAI and bilateral, regional and sectoral agreements

Note by the Chairman DAFFE/MAI/EG4(96)5

Contributions from Member countries

For Reference:

Summary Record of the meeting of the Negotiating Group held on 11-13 September 1996 DAFFE/MAI/M(96)5

The MAI and Bilateral, Regional and Sectoral Agreements
(Note by the Chairman of the Negotiating Group) DAFFE/MAI(96)26

6. The MAI and the WTO agreements

Note by the Chairman DAFFE/MAI/EG4(96)6

Contributions from Member countries

For Reference:

Summary Record of the meeting of the Negotiating Group held on 11-13 September 1996 DAFFE/MAI/M(96)5

The Relationship between the MAI and the WTO Agreements
(Note by the Chairman of the Negotiating Group) DAFFE/MAI(96)21

Relationship of Proposed MAI Provisions to the WTO
(Contribution by the WTO Secretariat) DAFFE/MAI/RD(96)37

7. Report to the Negotiating Group

8. Next Steps

Notes to the Agenda

The Expert Group is invited to develop proposals, including proposals for text where appropriate, on implementation and operation of the MAI, accession of non-Members and the relationship of the MAI to other international agreements.

Item 3: Implementation and operation of the MAI

The Group will be invited to consider a Chairman's Note containing draft text, and options where appropriate, on preparation for ratification and entry into force (Preparatory or Interim Group), ratification and entry into force, and operation of the MAI (Parties Group). Written country contributions are also welcome.

Item 4: Accession

The Group will be invited to consider a Chairman's Note containing draft text on accession. Written country contributions are also welcome.

Item 5: The MAI and bilateral, regional and sectoral agreements

The Group will be invited to consider a Chairman's Note containing draft text on interpretation of the MAI with respect to provisions in other agreements that provide more favourable treatment to an investor or investment. Written country contributions are also welcome.

Item 6: The MAI and the WTO agreements

The Group will be invited to consider a Chairman's Note that would propose a mechanism to avoid inadvertent conflicts between the MAI and the WTO agreements. Delegations are also invited to discuss any areas of conflict that they have identified to date. In addition, the Chairman proposes that the Group conduct a tour de table on the relationship between the MAI and Article II (MFN) of the GATS. Written country contributions are welcome.

Item 7: Report to the Negotiating Group

On the second day of the meeting, it will be necessary for the Group to prepare its report to the Negotiating Group. The report would contain proposals, including proposals for text where appropriate, on agenda items 3 through 6.

Item 8: Next Steps

With respect to this item, the Negotiating Group has invited the Expert Group to meet on 24 January to develop proposals, including proposals for text where appropriate, on associating the OECD Guidelines with the MAI. The Group might also consider whether it should request that its mandate be extended so that it can examine, once further progress has been made on the question of a derogation provision on balance of payments (Negotiating Group), incentives (EG 3) and intellectual property (DG 3), the relationship between the MAI and the IMF, Subsidies Code and TRIPS.

Annex

REVISED MANDATE FOR EXPERT GROUP N° 4 ON “INSTITUTIONAL MATTERS”

1. The Expert Group, open to participation of all delegations, is charged with considering the following topics:
 - a. Implementation and operation of the MAI, including the role of the Parties Group
 - b. Accession of Non-Members
 - c. Relationship of the MAI to the WTO Agreements and other international agreements
 - d. Associating the OECD Guidelines with the MAI**
2. The Group will meet in October and November and make proposals **on topics 1 a., b. and c.,** including proposals for text where appropriate, to the Negotiating Group at its December 1996 meeting.
- 3. The Group will meet again in January 1997 and make proposals on topic 1 d, including proposals for text where appropriate, to the Negotiating Group in January 1997.**
4. The Group's mandate will terminate after its report to the Negotiating Group, unless the Negotiating Group decides otherwise.