



Negotiating Group on the Multilateral Agreement on Investment (MAI)

AGENDA

Meeting on 24-26 October 1995

NEGOTIATING GROUP ON THE MULTILATERAL AGREEMENT ON INVESTMENT

AGENDA

24-26 October 1995

1. **Adoption of the Agenda** DAFFE/MAI/A(95)2

2. **Approval of the Summary Record of 26-27 September 1995** DAFFE/MAI/M(95)1

3. **Issues Relating to Definitions and Scope of the MAI**
 - a. Definition of the Investor
 - b. Definition of Investment including intellectual property
 - Note by the Chairman DAFFE/MAI(95)2
 - Contributions from Member countries DAFFE/MAI/RD(95)4

 - For Reference
 - Selected Articles from Existing Investment Agreements DAFFE/MAI/RD(95)3
 - Bibliography of OECD MAI Documents DAFFE/MAI/RD(95)5
 - Report to Ministers DAFFE/INV/IME(95)13/FINAL
 - Revised Summary Reports by the Chairmen of Groups A-E DAFFE/INV/IME/RD(95)4

4. **Issues Relating to the Treatment of Investors and Investments under the MAI (pre/post-establishment)**
 - a. National Treatment
 - b. Non-discrimination/MFN
 - c. Standstill
 - d. Rollback
 - e. Transparency
 - f. General Exceptions
 - g. Reservations
 - h. Temporary Derogations

- Note by the Chairman DAFFE/MAI(95)3
- Contributions from Member countries DAFFE/MAI/RD(95)6

For Reference

- Selected Articles from Existing Investment Agreements DAFFE/MAI/RD(95)7
- Bibliography of OECD MAI Documents DAFFE/MAI/RD(95)5
- Report to Ministers DAFFE/INV/IME(95)13/FINAL
- Revised Summary Reports by the Chairmen of Groups A-E DAFFE/INV/IME/RD(95)4

5. Taxation

Report on CIME/CMIT meeting with CFA of 18 October 1995

For Reference

- Note by the Secretariat DAFFE/CFA/INV/IME(95)1
- Statement of Principles by the CFA DAFFE/CFA(95)14/REV1
- Bibliography of OECD MAI Documents DAFFE/MAI/RD(95)5

6. Next Steps

- a. Agenda for December meeting of the Negotiating Group
- b. Possible referral of issues to working/drafting groups

ANNOTATIONS TO THE AGENDA

ITEM 3. Issues relating to Definitions and Scope of a MAI

At its meeting on 26-27 September, the Negotiating Group decided to discuss the definitions of investor and of an investment (including intellectual property) that could be used in the context of a MAI. The Note by the Chairman [DAFFE/MAI(95)2] provides a brief description of the issues as they emerged in the context of preparatory work on the MAI. As agreed by the Negotiating Group, Member countries' written contributions [DAFFE/MAI/RD(95)4] will be made available as they are received.

A compilation of selected articles of existing investment agreements [DAFFE/MAI/RD(95)3] is provided to assist negotiators in their deliberations.

ITEM 4: Issues relating to the Treatment of Investors and Investment under a MAI (pre/post-establishment)

The Negotiating Group agreed to have a first discussion on the principles of national treatment, non-discrimination/MFN, standstill, rollback, and transparency. It also wished to discuss the question of exceptions, reservations, and temporary derogations to these principles.

The Note by the Chairman [DAFFE/MAI(95)3] sets out the issues to be considered. As agreed by the Negotiating Group, Member countries' written contributions [DAFFE/MAI/RD(95)5] will be made available as they are received.

A compilation of selected articles of existing investment agreements [DAFFE/MAI/RD(95)7] is provided to assist negotiators in their deliberations.

ITEM 5: Taxation

The Secretariat will report to the Negotiation Group on the results of the informal meeting between representatives of the CFA and CIME/CMIT on the treatment of taxes in the Multilateral Agreement on Investment scheduled for 18 October 1995.

The Negotiating Group is invited to comment on this report. In particular, it may wish to indicate how to carry forward the examination of taxation issues in the context of the MAI.

ITEM 6: Next Steps

a. Agenda for the December Negotiating Group meeting

A provisional agenda (attached) for the December meeting of the Negotiating Group was agreed at the Negotiating Group's meeting in September. Delegates may wish to comment on the draft agenda in the light of its discussions at this meeting.

b. Possible referral of issues to working/drafting groups

The Negotiating Group is invited to consider whether there are specific issues to be remitted to a working, or drafting, group and what the mandate for such a group would be.

ANNEX

REVISED

DRAFT AGENDA OF THE NEGOTIATING GROUP ON THE MAI

4-8 DECEMBER 1995*

1. Scope of the Agreement

Territorial scope of application

2. Special topics

a. Key personnel

3. Investment protection

a. Report of Drafting Group

b. Protecting investor rights arising from other agreements

4. Dispute Settlement

a. Consultation and conciliation

b. State-to-State

c. Investor-to-State

5. Next steps

* The Negotiating Group will meet on 7-8 December. The meeting of the Negotiating Group may be preceded by meetings of the working groups.