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## **Negotiating Group on the Multilateral Agreement on Investment (MAI)**

### **AGENDA**

**Meeting on 19-21 June 1996**

## NEGOTIATING GROUP ON THE MAI

### AGENDA

19-21 June 1996

1. **Adoption of the Agenda** DAFFE/MAI/A(96)4
  
2. **Approval of the Summary Record of the meeting held on 18-19 April 1996** DAFFE/MAI/M(96)3
  
3. **Issues raised by reports by DG1 and DG2**
  - Consolidated reports by DG1 and DG2 DAFFE/MAI(96)16
  - Note by the Chairman DAFFE/MAI(96)17
  
4. **Report by Expert Group N° 2 on taxation matters** DAFFE/MAI/EG2(96)8
  
5. **Issues relating to Extraterritoriality**
  - a. **Conflicting Requirements**
    - Note by the Chairman DAFFE/MAI(96)18
    - Contributions by Member Countries
  - b. **Secondary Investment Boycotts**
    - Note by the Chairman DAFFE/MAI(96)19
    - Contributions from Member Countries
  
6. **Scope of dispute settlement (pre/post establishment)**
  - Note by the Chairman DAFFE/MAI(96)20
  - Contributions from Member Countries

**7. Report by CIME/CMIT on the Analytical  
Inventory of measures affecting investment**

DAFFE/MAI(96)15/REV1

**8. Next Steps/Other Business**

## ANNOTATIONS TO THE AGENDA

### **ITEM 3 Issues raised by reports by DG1 and DG2**

Delegates are invited to consider the document and the note by the Chairman as a basis for discussion on this item. DAFPE/MAI(96)16 consolidates the texts of articles and the comments from DG1 and DG2 reports on definitions of investor and investment, national treatment and MFN, transparency, investment protection issues, general exceptions, standstill, rollback and listing of country specific reservations. The Chairman's note identifies issues which, in the Chairman's opinion, are ripe for consideration by the Negotiating Group. The Chairman will seek guidance from the Group on how to resolve certain of those issues or on their remittance to drafting/expert groups for further work, especially new Drafting Group N° 3 which is scheduled to meet on 24-26 June 1996.

### **ITEM 4 Report by Expert Group N° 2 on taxation matters**

In accordance with its mandate, the Expert Group on the treatment of tax measures in the MAI will report to the Negotiating Group on the results of its examination of the tax issues raised by DG1 and DG2 and by the Expert Group on Dispute Settlement. The Negotiating Group is invited to consider this report, including a recommendation by EG2 for an extended mandate.

### **ITEM 5 Issues relating to Extraterritorial Measures**

#### a) Conflicting Requirements

The Negotiating Group will consider questions relating to the issue of conflicting requirements based on a note by the Chairman, a contribution by one delegation, and any other Member countries' written contribution.

#### b) Secondary Investment Boycotts

A note by the Chairman will examine the issues raised by the imposition of secondary investment boycotts. A contribution by one delegation proposing a draft article on secondary investment boycotts is also for consideration, as well as any other Member country contributions.

### **ITEM 6 Scope of dispute settlement (pre/post establishment)**

The discussion will be based on a Chairman's note concerning the application of the possible elements of a dispute settlement mechanism in relation to the obligations of the agreement, in the pre and post-establishment phase, and will take account of any Member countries' contributions on this subject.

**ITEM 7 Report by the CIME/CMIT on the Analytical Inventory of measures affecting investment**

Following the CIME/CMIT's wish to complete the information in the inventory of investment measures , the Negotiating Group will re-examine the document, taking into account additional information. The Group will consider how to carry forward the analytical work.

**ITEM 8 Next Steps and Other Business**

In light of the discussion, the Negotiating Group will be invited to consider the agendas for September and October and the possible referral of issues to expert/drafting groups.

A provisional agenda for the September meeting and the schedule of proposed dates for future meetings were agreed at the meeting in April .