CONFIDENTIAL ANNEX TO THE SUMMARY RECORD
OF THE CIME MEETING HELD ON 19-20 SEPTEMBER 2000

This confidential annex to the summary record is subject to the Committee's approval. Any amendment will be recorded in the summary record of the next meeting.

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7. Relations with Non-Members

a. Evaluation of Observerships

The Committee was informed of the results of the recent OECD-wide study of observerships in OECD Committees and noted the follow-up actions taken by the Council [C(2000)147 and CORR1].

b. Participation of Non-Members in CIME

The Committee:

-- considered a revised proposal for the participation of Non-Members in the work of CIME other than through observership [C(2000)107];

-- noted the reservations by Belgium and France and invited these delegations to forward promptly their written comments;

-- adopted a text to guide the Committee’s efforts to resolve this matter (see Attachment).
Attachment

Item 7.b Participation of Non-Members in CIME

Entry in the Summary Record

1. At its meeting on 27 July 2000, the Council requested the CIME to consider a revised proposal for the participation of non-members in the work of CIME other than through observership taking into account the CCN discussion of 20 July [CCN/M(2000)5/PROV]. The Council also invited the Committee to consider, whether in addition to Latvia, Lithuania and Venezuela, other countries, in particular Slovenia and Israel which have previously expressed interest in CIME observership, should be invited to join the Declaration and participate in related work.

2. With a view to responding to the Council request, it is proposed that the Committee’s original proposal [C(2000)107] be amended to reflect the following considerations:

   (a) The OECD Ministerial Communiqué of 27 June 2000 announced that “the Organisation will encourage non-Members to adhere to the Declaration on International Investment and Multinational Enterprises”.

   Non-Member economies willing to adhere to the OECD Declaration on International Investment and Multinational Enterprises and to the related Acts and able to meet their requirements may be invited to do so by Council:

   “Non-Member economies willing to adhere to the OECD Declaration on International Investment and Multinational Enterprises and to the related Acts and able to meet their requirements, may be invited to do so by Council. Adherence to the OECD instruments mentioned above will entail full participation in the CIME activities related to these instruments provided that this is to the “mutual benefit” of parties concerned.” [C(2000)107, Annex 1, paragraph 2].

   Under the OECD rules of procedure, full participation means the right to speak and the right to have an opinion recorded in any report to Council. However, full participation status does not allow a Non-Member to prevent the transmittal of a committee report to Council. Since Non-Members do not participate in Council discussions or decisions, they would not have veto rights over any OECD decisions or recommendations.

   It is also proposed that, in order to ensure that full participation in selected activities of an OECD body such as CIME does not become a precedent or lead to an OECD “à la carte” and to reflect the sui generis character of the participation envisaged by the CIME, the exchange of letters to be concluded with a Non-Member adhering to the Declaration and to the related Acts would contain wording along the following lines:

   “The status of full participant contemplated in this exchange of letters is granted to [country name] in view of the political and legal commitments that your country is willing to

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1. This attachment was distributed as CIME Room Document 2/FINAL and considered by the CIME at its meeting on 19-20 September 2000.

2. Belgium and France reserved their position.
undertake. Nothing in this exchange of letters should be interpreted as giving a right to regular observership or other forms participation in OECD activities not covered by the exchange of letters."

(b) With a view to avoiding an anomaly with respect to the participation status of CIME observers, which must also adhere to the Declaration and the related Acts, the CIME report will also recommend that CIME observers be given same full participant status concerning CIME work related to the instruments they have adhered to. This change is envisaged in paragraph § 25 of C(2000)107.

c) The revised report to Council will also recommend that Israel and Slovenia be invited to join the Declaration. It is recalled that their earlier requests for observership were turned down on the sole ground of their not being a “major player”. Their situation corresponds precisely to the situation covered by the new policy. These Non-Members would also need to submit themselves to a policy examination in accordance with § 23 of C(2000)107.

3. The report C(2000)107 will be revised to reflect paragraph 2 above and forwarded to the Committee on Co-operation with Non-Members and Council in October, after review by CIME under written procedure.