



Negotiating Group on the Multilateral Agreement on Investment (MAI)

Drafting Group No.3 on Definition, Treatment and Protection of Investors and Investments

SUMMARY RECORD

Meeting on 4 December 1997

**DG N° 3 ON DEFINITION, TREATMENT AND PROTECTION
OF INVESTORS AND INVESTMENTS**

**Summary Record of the Meeting
held on 4 December 1997**

1. Adoption of the agenda

The Group adopted the Agenda [DAFFE/MAI/DG3/A(97)9].

2. Approval of the Summary Record

The Group approved the Summary Record of the meeting held on 30-31 October 1997 [DAFFE/MAI/DG3/M(97)8].

3. Draft Article on Lodging Country Specific Exceptions

The Group continued its work on the draft Article on the lodging of country specific exceptions on the basis of a Note by the Chairman [DAFFE/MAI/DG3(97)16] and the Report [DAFFE/MAI/DG3(97)15].

4. Labour and Environment

On the basis of a Note by the Chairman [DAFFE/MAI/DG3(97)18], the Group:

- Considered options for text concerning the Preamble;
- Considered issues in relation to “Not lowering standards”, including the possible need for separate text on labour and environment;
- Postponed, until its next meeting, its consideration of a possible clause taking into account Article XX in the GATT, paragraph 4 in the draft MAI Article on Performance Requirements and NAFTA, paragraph 1114 (1);
- Took note of contributions by several delegations (subsequently circulated on OLIS as DAFFE/MAI/DG3/RD(97)23 to 29).

5. Generalisation of Financial Services Texts

Discussion of this item was postponed until the next meeting of the Group.

6. Other business/Future work

- a) The issue raised in the Contribution by one delegation [DAFFE/MAI/DG3/RD(97)22] was not discussed.
- b) The Group took note of comments expressed by some delegations about the scope of the expropriation provision of the MAI in relation to legitimate government regulations in environment, labour, health and other fields.
- c) The Group agreed that a draft report to the Negotiating Group on the results of its discussions of items 3 and 4 be prepared for approval by the Group under written procedure [this report will be circulated as DAF/MAI/DG3(97)19].
- d) The Group will meet next on 15 and 19-20 January 1998.