



Negotiating Group on the Multilateral Agreement on Investment (MAI)

Expert Group No.3 Expert Group No.3 on Treatment of Tax Issues in the MAI

AGENDA

Meeting on 22-24 April 1996

EXPERT GROUP N° 2 ON THE TREATMENT OF TAX MEASURES IN THE MAI

AGENDA

22-24 April 1996

1. **Adoption of the Agenda** DAFFE/MAI/EG2/A(96)1

2. **Issues raised by MAI Drafting Group N° 1
(Selected Topics Concerning Investment
Protection)**

Note by the Chairman DAFFE/MAI/EG2(96)1

For Reference:

Reports by MAI Drafting Group N° 1 DAFFE/MAI/DG1(95)3
and DAF/MAI/DG1(96)1/REV1

3. **Issues raised by MAI Drafting Group N° 2
(Treatment of Investors and Investments
(pre/post establishment))**

Note by the Chairman DAFFE/MAI/EG2(96)2

For Reference:

Report by MAI Drafting Group N° 2 DAFFE/MAI/DG2(96)2

4. **Definition of Taxes**

Note by the Chairman DAFFE/MAI/EG2(96)3

5. **Future Work and Other Business**

Issues for discussion at the next meeting
include:
 - Definition of Investments and Investors
 - Geographical Scope
 - Dispute Settlement
 - Other Issues

Reference Documents:

- Selected Articles from Existing Investment Agreements: Tax Provisions DAFFE/MAI/RD(96)18
- Taxation and International Trade or Investment Liberalisation Instruments (A Statement by the Committee on Fiscal Affairs) DAFFE/CFA(95)14/REV1
- Treatment of Taxes in the OECD Multilateral Agreement on Investment (A Note by the Committee on Fiscal Affairs) DAFFE/CFA/INV/IME(95)2
- Taxation Issues in the MAI (Contribution by one delegation) DAFFE/MAI/RD(96)1 and ADD1

Notes to the Agenda

At its first meeting, the Expert Group is invited to examine the taxation issues raised by the work of the MAI Drafting Groups 1 and 2 (items 2 and 3 of the agenda), and to offer possible solutions to these issues. A discussion of the definition of taxes for the purposes of the MAI is proposed under item 4.

Discussion will be based on Notes by the Chairman. Written country contributions are also welcome.

Under item 5 of the agenda, the Expert Group should decide on an agenda for its second meeting to be held on 23-24 May 1996. By that time, it will be possible to examine the tax issues raised by reports to the MAI Negotiating Group on (a) the Definition of Investments and Investors, (b) Geographical Scope and (c) Dispute Settlement procedures. Delegates are invited to identify other items that might be discussed at the May meeting.

**Mandate of Expert Group No. 2 on the "Treatment of
Tax Measures in the MAI"**

1. The Expert Group, open to the participation of all delegations, is charged with examining the tax issues raised by the work of Drafting Groups 1 and 2, and of the Expert Group on Dispute Settlement, and offering possible solutions to these issues.
2. The Expert Group will meet in April and May 1996; it will report to the MAI Negotiating Group in June 1996.
3. The Group's mandate will terminate after its report to the Negotiating Group, unless the Negotiating Group decides otherwise.