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

**Expert Group No.4 on “Institutional Matters”**

**AVOIDING CONFLICT BETWEEN THE MAI AND THE WTO AGREEMENTS**

**(Note by the Chairman)**

## **AVOIDING CONFLICT BETWEEN THE MAI AND THE WTO AGREEMENTS**

(Note by the Chairman)

1. The Negotiating Group has invited Expert Group No. 4 to make proposals on issues arising from the relationship between the MAI and the WTO agreements. At its September meeting, the Negotiating Group concluded that the MAI and the WTO agreements are complementary in purpose and content and that there should not be any conflicts. However, the Group also noted that in areas where substantive obligations overlap, there is a potential for inadvertent conflict which ought to be avoided [DAFFE/MAI/M(96)5, paragraph 4.a].
2. As a first step, the Agenda for the November meeting of Expert Group No. 4 [DAFFE/MAI/EG4/A(96)2] invites delegations to identify and discuss any areas of inadvertent conflict between the current MAI Consolidated Texts [DAFFE/MAI(96)16/REV1] and the WTO agreements that they have identified to date.
3. As a second step, the Group could conduct a systematic, detailed review of the Consolidated Texts when they have become somewhat more evolved. This review could be undertaken in the new year on the basis of the Consolidated Texts as they stand at that time.

### Question:

In its report to the Negotiating Group, should Expert Group No. 4 propose to carry out a systematic review of the Consolidated Texts?