



Negotiating Group on the Multilateral Agreement on Investment (MAI)

AGENDA

Meeting on 25-26 January 1996

Negotiating Group on the MAI

Agenda

25-26 January 1996

1. **Adoption of the Agenda** DAFFE/MAI/A(96)1
2. **Approval of the Summary Record of the meeting 6-8 December 1995** DAFFE/MAI/M(95)3
3. **Taxation Issues in the MAI**
 - Note by the Chairman DAFFE/MAI(96)1
 - Contributions from Member Countries DAFFE/MAI/RD(96)1

For Reference

- Taxation and the Multilateral Agreement on Investment DAFFE/CFA/INV/IME(95)1
 - The Treatment of Taxes in the OECD Multilateral Agreement on Investment DAFFE/CFA/INV/IME(95)2
 - Note by the Chairman of the CFA Working Group on the Treatment of Taxes in Bilateral/Multilateral Trade or Investment Agreements DAFFE/MAI(95)4
 - Taxation and International Trade on Investment Liberalisation Instruments DAFFE/CFA(95)14/REV1
4. **Definition of Investment/Investor**
 - Note by the Chairman DAFFE/MAI(96)2
 - Contributions from Member Countries DAFFE/MAI/RD(96)2

For Reference

- Selected Articles from Existing Investment Agreements DAFFE/MAI/RD(95)3

5. Special Topics

a. Key Personnel

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

-- Contributions from Member Countries DAFFE/MAI/RD(96)3

b. Mandatory Performance Requirements

-- Note by the Chairman DAFFE/MAI(96)4

-- Contributions from Member Countries DAFFE/MAI/RD(96)4

c. Investment Incentives

-- Note by the Chairman DAFFE/MAI(96)5

-- Contributions from Member Countries DAFFE/MAI/RD(96)5

d. Technology Research and Development

-- Note by the Chairman DAFFE/MAI(96)6

-- Contributions from Member Countries DAFFE/MAI/RD(96)6

For Reference

-- Selected Articles from Existing Investment Agreements: Special Topics DAFFE/MAI/RD(96)7

-- Secretariat Survey on Key Personnel DAFFE/INV/IME(95)24

6. Protecting Investor Rights arising from other agreements

-- Note by the Chairman DAFFE/MAI(95)8/REV1

For Reference

-- Contribution by one delegation DAFFE/MAI/RD(95)12

-- Selected Articles from Existing Investment Agreements: Protecting Investor Rights arising from other agreements DAFFE/MAI/RD(95)13

7. Next Steps/Other Business

ANNOTATIONS TO THE AGENDA

Item 3: Taxation Issues in the MAI

Following an initial exchange of views on taxation issues in connection with the MAI at its 24-26 October meeting, the Negotiating Group decided to hold an "orientation debate" at its January session. The Chairman's note identifies the main issues to be addressed by the Group. (The documents for reference were considered at a joint meeting of the CFA and the CIME/CMIT on 16 October 1995 [see DAFFE/MAI/M(95)2]). If the Negotiating Group decides to create a Drafting Group or a Expert Group on taxation, a specific mandate and date of the first meeting will need to be agreed.

Item 4: Definition of Investment/Investor

The Group had a first discussion of this issue in October based on a note by the Chairman [DAFFE/MAI(95)2] and contributions from Member countries [DAFFE/MAI/RD(95)4 and ADD1]. The results of this discussion are reported in the Summary Record DAFFE/MAI/M(95)2. The Negotiating Group is invited to consider the Chairman's Note which makes proposals concerning the definition of investment and investor and addresses issues concerning the implications of the definitions for the substantive obligations of the MAI.

Item 5: Special Topics

- a. Key Personnel
- b. Mandatory Performance Requirements
- c. Investment Incentives
- d. Technology Research and Development

The Negotiating Group will have first round of discussions on each of these topics which have been identified in preparatory work as areas where the MAI might develop new disciplines. Chairman's notes for each of the topics situate the issues in an investment context and raise questions for possible treatment under the MAI. Member countries have been invited to provide additional analytical input and options. Selected articles from existing investment instruments [DAFFE/MAI/RD(96)6] are provided for the convenience of negotiators.

Item 6: Protecting Investor Rights Arising from Other Agreements

The Group agreed at its meeting in December to postpone discussion of this issue until January on the basis of the revised note by the Chairman [DAFFE/MAI(95)8/REV1], the contribution by one delegation [DAFFE/MAI/RD(95)12] and any other Member Country contributions received.

Item 7: Next Steps/Other Business

In the light of the discussion, the Negotiating Group will be invited to consider the agendas for March and April and the possible referral of issues to experts/drafting groups.

A provisional agenda for March and the schedule of proposed dates for future meetings were agreed at the meeting in December (Summary Record [DAFFE/MAI/M(96)1]).