



Negotiating Group on the Multilateral Agreement on Investment (MAI)

AGENDA

Meeting on 14-15 March 1996

Negotiating Group on the MAI

Agenda

14-15 March 1996

1. **Adoption of the Agenda** DAFFE/MAI/A(96)2

2. **Approval of the Summary Record of the meeting 25-26 January 1996** DAFFE/MAI/M(96)1

3. **The Treatment of Investment and Investors**
 - a. Report by Drafting Group 2 DAFFE/MAI/DG2(96)2

 - b. Non-discriminatory barriers to establishment
 - Note by the Chairman DAFFE/MAI(96)7

 - Contribution by one delegation DAFFE/MAI/RD(95)18

 - Contributions by Member countries DAFFE/MAI/RD(96)10

For Reference:

 - Selected Articles from Existing Investment Instruments DAFFE/MAI/RD(95)7/REV1

4. **Investment Protection Issues**
 - a. Follow-up to the Report by Drafting Group 1

For Reference:

 - Draft Articles on Selected Topics on Investment Protection DAFFE/MAI/DG1(95)3

- b. Protecting Investor Rights Arising from other Agreements DAFFE/MAI/DG1(96)1

For Reference:

- Note by the Chairman DAFFE/MAI(95)8/REV1
- Contribution by one delegation DAFFE/MAI/RD(95)12
- Selected Articles from Existing Investment Agreements DAFFE/MAI/RD(95)13

5. Special Topics

- a. Privatisation
 - Note by the Chairman DAFFE/MAI(96)8
 - Contributions from Member countries DAFFE/MAI/RD(96)9
- b. Monopolies/State-owned enterprises
 - Note by the Chairman DAFFE/MAI(96)9
 - Contributions from Member countries DAFFE/MAI/RD(96)11
- c. Corporate Practices
 - Note by the Chairman DAFFE/MAI(96)10
 - Contributions from Member countries DAFFE/MAI/RD(96)12

For Reference:

- Selected Articles from Existing Investment Agreements: Special Topics DAFFE/MAI/RD(96)7/REV1
- Secretariat Survey on Corporate Practices DAFFE/IME(93)11/REV2

6. Next Steps/Other Business

Annotations to the Agenda

Item 3: The Treatment of Investment and Investor

a. Report by Drafting Group 2

In accordance with its revised mandate (see DAFFE/MAI/M(96)1, Annex 3), the Drafting Group will submit for consideration, specific provisions on selected topics concerning the treatment of investors and investment (pre/post establishment). These topics include: national treatment and non-discrimination/mfn; transparency; and general exceptions concerning public order, national security, and international peace and security. The Report will also propose mechanisms for standstill, rollback, and the listing of country specific reservations. (Draft proposals concerning the definition of investor and investment will be submitted at the Negotiating Group's meeting in April.)

b. Non-discriminatory barriers to investment

The Negotiating Group will discuss this issue based on a Note by the Chairman [DAFFE/MAI(96)7] and the contribution by one delegation concerning market access and national treatment [DAFFE/MAI/RD(95)18], as well as any Member country contributions [DAFFE/MAI/RD(96)10].

Item 4: Investment Protection Issues

a. Follow-up to the Report by Drafting Group 1

At its December 1995 meeting, the Negotiating Group noted the Report by the Drafting Group on Draft Articles on Selected Topics on Investment Protection [DAFFE/MAI/DG1(95)3]. It invited the Drafting Group Chairman, Mr. Haas, to try to resolve the open questions in the Report in order to eliminate, if possible, some of the brackets. Mr. Haas will report to the Negotiating Group on the results of his consultations.

b. Protecting Investor Rights Arising from other Agreements

As a result of its discussion in January, the Negotiating Group invited Mr. Haas, in consultation with his Group, to prepare a draft provision on the issue of protecting the specific commitments made to an investor [DAFFE/MAI(95)8/REV1]. Mr. Haas will submit a draft provision for consideration by the Negotiating Group [DAFFE/MAI/DG1(96)1].

Item 5: Special topics

- a. Privatisation
- b. Monopolies/State-owned enterprises
- c. Corporate practices

The Negotiating Group will have a 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 will suggest options on how they might be treated under the MAI. The discussion will also take account of Member country contributions. Selected articles from existing investment agreements [DAFFE/MAI/RD(96)7/REV1] are provided for the convenience of negotiators.

Item 6: Next Steps/Other Business

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

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