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

### **AGENDA**

**Meeting on 29-31 January 1997**

## NEGOTIATING GROUP ON THE MAI

### AGENDA

29 (p.m.) - 31 January 1997

1. **Adoption of the Agenda** DAFFE/MAI/A(97)1
  
2. **Approval of the Summary Record of meeting held on 18-20 December 1996** DAFFE/MAI/M(96)7
  
3. **Reports by Drafting/Expert Groups**
  - a. DG3 on Definition, Treatment and Protection of Investors and Investments DAFFE/MAI/DG3(97)2
  - b. EG3 on Special Topics DAFFE/MAI/EG3(97)3
  - c. EG4 on Institutional Matters DAFFE/MAI/EG4(97)2
  - d. EG5 on Financial Services Matters DAFFE/MAI/EG5(97)2

For Reference:

Consolidated Text and Commentary DAFFE/MAI(97)1
  
4. **Definition of Investment**
  - Report by DG3 on Definition, Treatment and Protection of Investors and Investments DAFFE/MAI/DG3(97)2

For Reference:

Report by EG5 DAFFE/MAI/EG5(97)2

Consolidated Text and Commentary DAFFE/MAI(97)1
  
5. **General Exceptions**
  - Note by the Chairman DAFFE/MAI(97)3
  - Contributions from Member countries

For Reference:

National Security Measures (Note by the Secretariat) DAFFE/MAI(95)7

**6. Dispute Settlement**

a. Scope and Application

-- Note by the Chairman

DAFFE/MAI(97)4

b. Selected other issues

**7. Selected issues from EG4 on Institutional Matters**

-- Note by the Chairman

DAFFE/MAI(97)5

**8. Conflicting Requirements and Related Matters**

For Reference:

Consolidated Texts and Commentary  
(Attachments 2 and 3)

DAFFE/MAI(97)1

**9. Next Steps/Other Business**

## Notes to the agenda

### **Item 3. Reports by Drafting/Expert Groups**

#### a) Drafting Group 3

Drafting Group 3 will report on the outcome of its meeting on 28-29 January, particularly as concerns the definition of investment (see item 4, below).

#### b) Expert Group 3

Expert Group 3 will meet on 27-29 January and will report on the results of its consideration of issues relating to research and technology and non-discriminatory barriers ("market needs" tests). It will also report on whatever progress has been made on the other issues in its mandate.

#### c) Expert Group 4

Expert Group 4 will examine proposals for associating the OECD Guidelines to the MAI at its meeting on 24 January and will report to the Negotiating Group on the outcome of this discussion.

#### d) Expert Group 5

At its meeting on 27-29 January, the Group will finalise advice to DG3 with respect to the definition of investment and will consider the need for general safeguard provisions, particularly with respect to balance of payments. It will report to the Negotiating Group on these topics.

### **Item 4. Definition of Investment**

It is the intention of the Chairman that the Negotiating Group conclude on the issue of the definition of investment, taking account of the reports by EG5 and DG3.

### **Item 5. General Exceptions**

The issue of general exceptions was last discussed by the Negotiating Group in March 1996. The Chairman's Note examines the outstanding questions and invites the Negotiating Group to consider proposed solutions.

### **Item 6. Dispute Settlement**

The Note by the Chairman on the scope and application of dispute settlement focuses on the concerns raised with respect to the application of investor-state dispute settlement to all the MAI obligations and invites the Negotiating Group to consider proposed solutions.

**Item 7. Selected issues from EG4 on Institutional Matters**

Outstanding issues arising from EG4 are examined in the Chairman's Note which sets out questions for consideration particularly as concerns the process of ratification and entry into force of the MAI and the decision making process.

**Item 8. Conflicting Requirements and Related Matters**

The Negotiating Group agreed to maintain this item on its agenda for further consideration.

**Item 9. Next Steps/Other Business**

In light of the discussions, the Negotiating Group will be invited to consider the agendas for February and March, 1997 and the conduct of negotiations on remaining issues.

A provision agenda for February and the schedule of proposed dates for future meetings were agreed at the meeting in December [DAFFE/MAI/RD(96)58].