



Negotiating Group on the Multilateral Agreement on Investment (MAI)

**INFORMAL CONSULTATION ON THE TREATMENT
OF TAX MEASURES IN THE MAI**

Draft Agenda for the Meeting on 15-16 September 1997

**INFORMAL CONSULTATION ON THE TREATMENT
OF TAX MEASURES IN THE MAI**

DRAFT AGENDA

15-16 September 1997

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|---|---------------------------------|--------------------|
| 1 | Adoption of the Agenda | DAFFE/MAI/TAX(97)1 |
| 2 | Main Outstanding Issues | |
| | a) National Treatment | |
| | b) Investment Incentives | |
| | c) Performance Requirements | |
| | d) Dispute Settlement | |
| | e) Other Issues | |
| 3 | Report to the Negotiating Group | |
| 4 | Other Business | |

Reference Documents:

Consolidated Text and Commentary	DAFFE/MAI(97)1/REV2
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Report on Special Topics, including Performance Requirements	DAFFE/MAI/ST(97)12/REV1
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Report to the Negotiating Group	DAFFE/MAI/EG2(97)1
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Notes to the Agenda

Item 2. Main Outstanding Issues

The Consolidated Text and Commentary contains a Draft Article on Taxation reflecting the "carve-out/carve-in" approach. The Draft Article contains provisions on expropriation, transparency and a definition of taxes.

The main outstanding questions regarding the treatment of taxation in the MAI are set out in the items listed under item 2 of the draft agenda. The Chairman suggests that these questions be addressed in the order of their appearance on the agenda, keeping in mind that the nature of the dispute settlement provisions applying to taxation may depend partly on the extent to which tax measures will be covered by the substantive provisions of the MAI.

One delegation has prepared a note, in collaboration with Mr. Revilla, containing a review of the outstanding issues with questions for consideration [DAFFE/MAI/TAX(97)2].

Other delegations are also invited to submit contributions.

Item 3. Report to the Negotiating Group

In the light of the discussion under item 2 of the agenda, the Chairman may wish to discuss the best way to present the results to the Negotiating Group at its meeting on 18-19 September.