



Brussels, 24 September 2019
(OR. en)

10973/19
ADD 1

LIMITE

FDI 24
SERVICES 39
WTO 203

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 10972/19 ADD 1
Subject:	The negotiating directives for the Doha Development Agenda regarding the negotiations of a multilateral framework on investment facilitation

The negotiating directives for the Doha Development Agenda regarding the negotiations of a multilateral framework on investment facilitation

1. NATURE AND SCOPE OF THE RULES AND COMMITMENTS

1. Based on the existing authorisation by the Council for negotiations in the World Trade Organisation (WTO) under the Doha Development Agenda, the aim of the multilateral negotiations on investment facilitation should be to establish a multilateral framework of rules with a view to facilitating foreign direct investment (FDI) worldwide. The objective is to create a more transparent, efficient, and predictable climate for facilitating cross-border investment. Such a framework shall focus on FDI to the exclusion of investments other than FDI (including short-term capital movements) and shall aim at ensuring the right conditions for international investment to be conducive to sustainable development, while preserving the ability of host countries to regulate the activity of investors in their respective territories.

2. In accordance with the Joint Ministerial Statement on Investment Facilitation for Development adopted by 70 WTO Members at the Eleventh WTO Ministerial Conference on 13 December 2017, these negotiations will not address market access, investment protection, and investor-state dispute settlement.
3. The negotiations should be conducted and concluded with due regard to the rights and obligations of Members under the WTO, respecting the principles of transparency and inclusiveness and building on existing WTO agreements.
4. The negotiations should aim to develop high-standard disciplines and commitments with the participation of the largest possible number of WTO Members. The negotiations should take into account the unique opportunities for, and challenges faced by, WTO Members in relation to investment facilitation. Accordingly, the rules and commitments should provide for appropriate flexibility.
5. The rules and commitments agreed upon by the European Union (EU) should take account of the non-discrimination obligation in existing WTO agreements to the extent that these are relevant and applicable in an investment facilitation context.

2. PROPOSED CONTENT OF THE RULES AND COMMITMENTS

6. The negotiations should develop a new framework of disciplines in the WTO aimed at facilitating FDI, in particular FDI, that contributes to achieving the UN Sustainable Development Goals. This framework should create a transparent, efficient and predictable environment for international investments to the benefit of EU businesses of all sizes, including micro, small and medium enterprises, and it should also strengthen the capacity of developing and least developed countries to attract FDI thereby increasing their participation in global value chains.

7. The negotiations will be conducted in an open and inclusive manner, also building on the involvement of relevant stakeholders. Therefore, the negotiations may cover any aspect of investment facilitation that is proposed by the participating Members. Recognising the crosscutting nature of investment facilitation, the negotiations may cover matters such as:
- Elements aimed at improving the transparency and predictability of investment measures, including of the rules and conditions applicable to the entry and operation of FDI (publication and availability of measures and information; notification to the WTO; enquiry points);
 - Elements aimed at streamlining and speeding up administrative procedures and requirements (administrative procedures and documentation requirements; time limits for administrative procedures; treatment of incomplete applications; fees and charges; review of administrative procedures; use of e-government; one-stop shop/single window types of mechanisms; focal point/contact point/ombudsperson types of mechanisms, including relations with relevant stakeholders and dispute prevention);
 - Elements aimed enhancing international cooperation, information sharing, the exchange of best practices (international cooperation among Members; international cooperation at the multilateral level through a WTO Committee on investment facilitation matters; engaging in stakeholder consultations);
 - The development dimension (challenges faced by less developed countries; sharing best practices; special and differential treatment provisions; technical assistance and capacity building) and the promotion of corporate social responsibility or responsible business conduct and sustainable development.
8. The European Union may also engage in negotiations on other aspects relevant for facilitating FDI, as proposed by the participating Members, in line with these directives.

9. A WTO framework on investment facilitation should be coherent with the work on investment facilitation of other international organizations, such as the United Nations Conference on Trade and Development and the World Bank.
 10. Any rule or commitment agreed upon by the European Union should be in line with the EU legal framework.
 11. Any rule or commitment agreed upon by the European Union shall be without prejudice to the allocation of functions and powers of member states' national authorities.
-