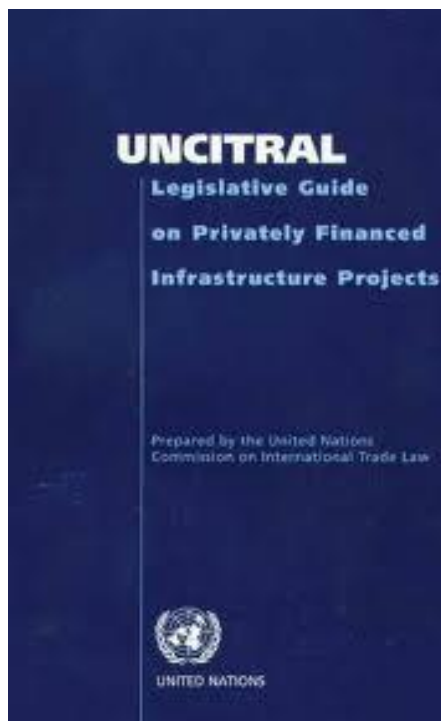




UNCITRAL Topics in Brazil
Vienna, March 27, 2015
**Public-Private Partnerships – possible
future work in UNCITRAL**

Caroline Nicholas
UNCITRAL Secretariat
March 2014

UNCITRAL - possible future work in PPPs



Issue: should UNCITRAL update existing PFIPs Legislative Guide, Legislative Recommendations and Model Legislative Provisions?

UNCITRAL - possible future work in PPPs

Model Law or Legislative Guide?

- Model Law + Guide
- Legislative Guide + Model Provisions
- Shades on a spectrum – how complete a template?
- PPP-specific issues
 - Extent of tailoring
 - Institutions
 - Selection procedures
 - Complexity of PPPs environment



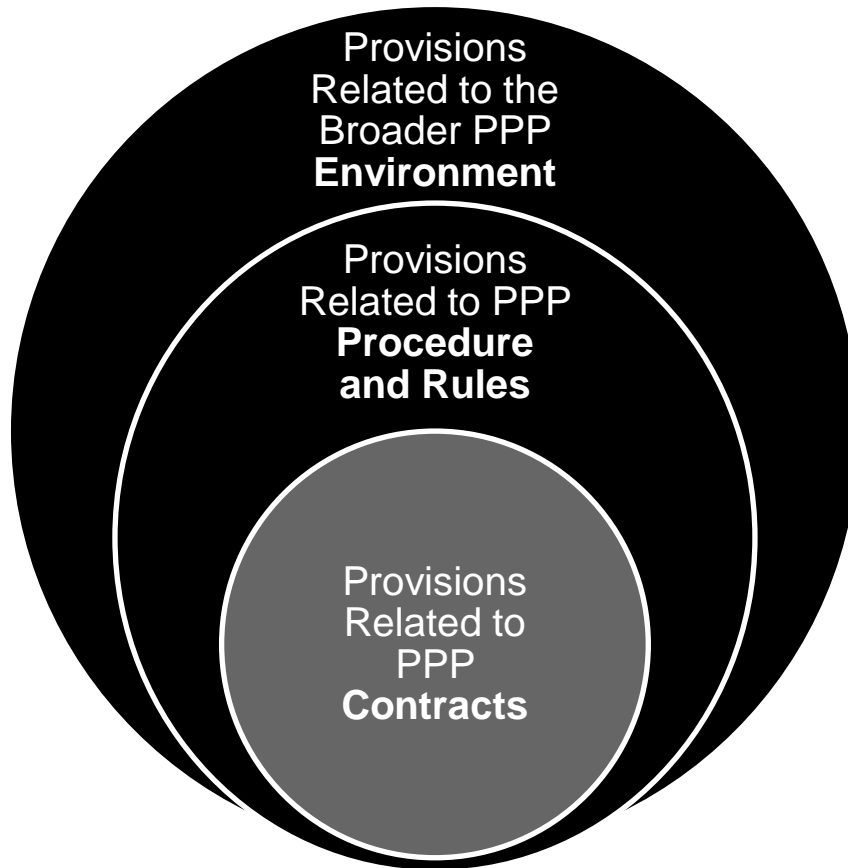
UNCITRAL - Possible future work on PPPs

Main elements in PFIPs texts in need of updating highlighted

ENVIRONMENTAL ELEMENTS	LAW AND REGULATION ELEMENTS	CONTRACT ELEMENTS
Constitution	Rules	Governing law
Legislation	Purpose	Organization of Concessionaire
Institutional Framework	Procedure	Ownership of Assets / Site
Scope of authority to award	Pre-selection criteria & decision	Acquisition
Admin coordination	Participation of Consortia	Easements
Scope of authority to regulate	Stages	Financial Arrangements
Governmental support	Content	Security Interests
Risk allocation	Security	Assignment of the Contract
General Authority	Clarification and modification	Controlling interest transfer
	Evaluation criteria	Operation
	Comparison and evaluation	Compensating change in laws
	Further demonstration of criteria	Revision of contract
	Negotiations	Takeover
	Unsolicited proposals	Substitution of concessionaire
	Confidentiality	Duration
	Notice of award	Termination
	Review	Wind-up and transfer
		Disputes
		Customer Disputes

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Scope of new UNCITRAL text



Any UNCITRAL text to address all three areas

- Older PPPs laws, and existing UNCITRAL PFIPs texts, have most detail and model provisions on Procedure and Rules for pre-contract phase
- Newer PPPs laws and any new UNCITRAL text to have more emphasis on planning and operation phase

UNCITRAL - Possible future work on PPPs

Likelihood of taking up the topic?



Understanding of importance of topic
Demand for up to date text

But

PPPs mixed results in practice

Reluctance of States to take part in developing a text
Resources

A question for UNCITRAL member States at Commission session

UNCITRAL Possible future work on PPPs



http://www.uncitral.org/uncitral/uncitral_text/s/procurement_infrastructure.html

THANK YOU

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