

INTERNATIONAL COLLOQUIUM ON PPP, MAY, 2-3

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Some important topics: view from Ukraine

1. Description and/or definition of PPPs: an umbrella concept, or a clearly defined type of project?
2. Existing texts and guidance on PPPs at the international level – do they need to be modernized and harmonized?
3. Would an UNCITRAL text on PPPs help remove legal obstacles to efficient and effective PPPs?
4. Possible minimum provisions, or core elements, of a legal text on PPPs
5. Options for any future text on PPPs

Description and/or definition of PPPs: an umbrella concept, or a clearly defined type of project?

- 1) **Umbrella concept** – to develop criteria which allow to differ PPP projects from other types of projects
- 2) To define PPP forms and mechanisms

Ukraine:

- 1) Misunderstanding – what is PPP ?
- 2) Limited number of PPP forms
- 3) “Concession as concession” or “Concession as PPP” ?

Existing texts and guidance on PPPs at the international level – do they need to be modernized and harmonized?

- 1) To consider regional peculiarities (CIS countries, etc.) in texts
- 2) To provide comments and explanations to texts and guidance for countries that are just starting PPPs

Ukraine:

- 1) We are not ready to use complicated PPP mechanisms due to weakness of institutions and lack of experience
- 2) Absence of understanding of simple principles (example – approach to state support for PPPs, qualification requirements for public authorities responsible for PPP, etc.)

Would an UNCITRAL text on PPPs help remove legal obstacles to efficient and effective PPPs?

- 1) In perspective – YES
- 2) Harmonization terminology in PPP
- 3) Providing comments and clarifications for correct understanding of text on PPPs

Ukraine:

- 1) Absence of documents which could serve as a model for PPP legislation
- 2) Experience of harmonization of Ukrainian legislation to EU Directives

Possible minimum provisions, or core elements, of a legal text on PPPs

- 1) To define which provisions should be regulated in laws and which should be individually designed for each project
- 2) To define terminology, obligatory provisions regarding partners obligations, criteria and mechanisms of public partner support, tenders, monitoring of projects results, participation of civil society

Ukraine:

- 1) Declarative positions refer to state support and obligations of public authorities
- 2) Detailed description of issues which depend on peculiarities of projects (sample agreements, etc.)

Options for any future text on PPPs

Harmonizing public procurement and PPP legislation –
conceptual issues



Directive on PPPs



Legislative Guides on different types of PPP



Detailed comments and clarifications on Legislative Guides
for regions and countries (in context of the current
legislation)



National PPP legislation

Thank you for attention

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