



**Colloquium**  
**Possible future work on PPPs**  
**3-4 March 2014**  
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**Session 6**

Caroline Nicholas  
UNCITRAL Secretariat  
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## Possible future work in PPPs

### Nature of a future legislative text

#### *Model Law vs Legislative Guide*



### A Model Law

- Template for *national* legislation
- Has sufficient detail for national law
- Contains limited options
  - eg definition of contracting authority
  - Setting time limits

# Possible future work in PPPs

## A Model Law

- A framework law: all essential principles, rules and procedures
  - Adaptable to allow for
    - International obligations (UNCAC, WTO agreements)
    - Local circumstances (legal system, traditions)
    - Local capacity

## *needs a Guide to Enactment, to cover*

- Supporting regulations
- Supporting infrastructure and institutions
- Implementation and use guidance



# Possible future work in PPPs

## A Legislative Guide



- Background and explanatory information on policies for the subject area
- Advises on options in the subject area
- Discusses how they may be reflected in a national law
  - But does not provide draft provisions
  - Does not cover all areas necessary for national law
- Can be accompanied by Legislative Recommendations, Model Legislative Provisions

# 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



# Possible future work in PPPs

## Preparation for Commission session

- Report of Colloquium
  - Drafted mid-March
- Formally issued end May
- Need for clear recommendations on scope
  
- Decision of *member States* at Commission session
- In context of UNCITRAL's overall work programme and priorities
- Deliberations likely during week of 14<sup>th</sup> July

