Colloquium
Possible future work on PPPs
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Session 6

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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
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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
- 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 14th July