

# Lois relatives aux PPP/Lois relatives aux concessions

Full Description

## **Africa (South Africa)**

- [Legislation South African PPP](#) (English)

## **Angola**

- [Lei Sobre as Parcerias Public Privadas of Angola](#) (PPP on Legislation) of 26 January 2011 (Portuguese)

## **Argentina**

- [Regimen para la Promocion Privada of participación en el Desarrollo de Infraestructura](#) (Spanish)

## **Australia**

- [National Public Private Partnership - Policy Framework](#) in December 2008 (English)

## **Benign**

- [Benin Pubic Private Partnership Law](#) (French)

## **Brazil**

- [Brazil Law for Bidding and Contracting of PPP Projects](#) , 2004 (Portuguese)
- [Proposed Public-Private Partnership Bill \(English\)](#) (English translation of a draft of the Brazilian Law on tendering and concluding PPP project contracts).
- [Spotlight on Brazil: Brazil Launches new PPP Law](#) by Jacques Cook, March 2006 (English). The article deals with the recently enacted law on PPP in Brazil and how it has the potential to stimulate private investment delay in social and infrastructure projects in the country.

## **Bulgaria**

- [Concessions Act](#) (English translation) of 5 octubre 1995
- [Article on Bulgarian Concession Law](#) (English)
- [Article on Bulgarian Concession Law](#) (English)

## **Cambodia**

- [Cambodia Sub-Decree no. 11 Build-Own-Transfer Law](#) 1998 (KH)

## **Cameroon**

- [Legal Framework for Partnership Contracts in Cameroon](#) (Includes Law no. 2006/012 laying down the general scheme of partnership contracts) (EN)

- [Cameroon Law No. 2008/009 of 16 July 2008 fixing the tax system, financial and accounting applicable to partnership contracts](#) (French)

## Canada

- [Quebec, Canada](#) (French) - establishment of a PPP unit and PPP capacity of this unit
- [Framework Policy for the Governance of Major Infrastructure Project](#) , 2009 (English)

## Chile

- [Concession Law in Chile - Ley de Concesiones](#) (Spanish)
- [Chilean Regulations of the Concession Law](#) (Spanish)

## Colombia

- [Ley 1508 de las Asociaciones Público Privadas](#) (PPP Law 1508) of 10 June 2012 (Spanish)
- [Decreto Ley 1467 de las Asociaciones Público-Privadas](#) (Decree 1467) of 6 July 2012 (Spanish)
- [Decreto Ley 0100 de las Asociaciones Público-Privadas](#) (Decree 0100) of 25 January 2013-modifying Decree 1467 (Spanish)

## Corrée South

- [2007 Act on Private Participation in Infrastructure](#) (English)
- [2007 Enforcement Decree of the Act on Private Participation in Infrastructure](#) (English)

## Croatia

- [Concessions Act](#) , 2012 (official English translation)
- [Public Procurement Act of 2011](#) and [Amendment of 2013](#) (official English translation)
- [Public-Private Partnership Act of 2012](#) (official English translation)
- [Public-Private Partnerships in Croatia](#) by Madir J. and K. Vrana, EBRD (Spanish).

## Egypt

- [Egypt Public Private Partnership Law - No.67](#) , 2010 (Arabic) version [English](#)

## Spain

- [Concession Law of Spain - Ley Reguladora del contrato de Obras Públicas de concesión de España](#) , May 23 of 2003 (Spanish)
- [Commentary on Spain's Concession Law: Risk Sharing in the New Public Works Concession Law in Spain](#) of JM Vassallo and J. Gallego, 2005 (Spanish)

## Central and Eastern

- [Assessment of Concession Laws](#) , 2008 (English) - prepared by the European Bank for Reconstruction and Development (EBRD) ( [European Bank for Reconstruction and Development](#) ) -

including: Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Estonia, FYR Macedonia, Georgia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Montenegro, Poland, Romania, Russia, Serbia, Slovakia, Slovenia, Tajikistan, Turkey, Turkmenistan, Ukraine and Uzbekistan.

## United States

- [Public Private Partnerships in Transportation - a toolkit for Legislators](#) (English), National Conference of State Legislators - (2010 with updates dating back to 2014): includes links to the legislation favorable to PPPs in the transport sector in different states -United.

## la France

- [ION 2008-735 of 28 July 2008 on Partnership Agreements](#) (French) ( [English](#) )
- [PPP in France](#) - 2006, Linklaters, 2006 (English)
- [Legislation, regulation of PPPs and other administrative arrangements in France](#) (French)

## Ghana

- [Ghana National Policy on Public-Private Partnerships of Ghana](#), June 2011 (English)

## Republic of Fiji

- [Public-Private Partnership Act 2006](#) (English)

## Greece

- [Law on Public Private Partnerships Law 3389/2005](#) (English)

## Guatemala

- [Ley para el Desarrollo de Alianzas de Infraestructura Económica - Decree 16-2010](#) (16-2010 Decree on Public Private Partnerships) of 13 April 2010 (Spanish)

## Honduras

- Ley de Promocion de Alianza Público-Privada (Law for the Promotion of Public-Private Partnerships) of September 2010 (English and Spanish).
- [Reglamento General de la Ley de Promocion de Alianza Público-Privada](#) (General Regulation to the Law for the Promotion of Public-Private Partnerships) of January 2011 ( [English](#) and [Spanish](#) ).

## India

- National: [Public-Private Partnership Policy](#) (English)
- Haryana: [Public-Private Partnership \(PPP\) Policy](#) (English)

## **Indonesia**

- [Indonesia Concession Regulation](#) (English)

## **Ireland**

- [State Authorities \(Public Private Partnership Arrangements in Ireland\) Act 2002](#) (English)
- [Policy Framework for Public-Private Partnership \(PPP\) in Ireland \(2003\)](#) (English)

## **North Ireland**

- [Public Private Partnership \(PPP\) Policy Framework and Guidance for Northern Ireland](#) (English)

## **Jordan**

- [Jordan Public Private Partnership Regulations 2008](#) (English)
- [Jordan Privatization Law 2000](#) (English)

## **Kosovo**

- [Law on Public-Private Partnerships and Concessions of Kosovo](#) , 1990 (English translation)

## **Kenya**

- [Public Private Partnership Act of Kenya, 2013](#) (English)
- [PPP Policy 2012](#) (English)
- [Kenya Public Procurement and Disposal Act 2005](#) (English)

## **Latvia**

- [PPP Law 2009](#) (English translation)

## **Lithuania**

- [Law on Concessions in Lithuania](#) , 1996 (English translation)

## **Macedonia**

- [Macedonia Law on Concession](#) (English)

## **Madagascar**

- [Madagascar - Procurement Law](#) (English)
- [Decrees on PPPs in Madagascar](#) (English)

## **Malawi**

- [Malawi - Public-Private Partnership Bill](#) , 2010 (English)

## Morocco

- [Morocco Law No. 54-05 on the Office of Public Service Management](#) 2006 (French)

## Mauritania

- [Project Procurement Code](#) (French)

## Mauritius

- [Mauritius - Public-Private Partnership Act 2004](#)

## Mexico

- [Ley de Asociaciones Público Privadas](#) (Law on Public-Private Partnerships) of 16 January 2012 as revised 14 July 2014 (Spanish)
- [Reglamento of the Ley de Asociaciones Público Privadas](#) (Regulations for the Law on Public-Private Partnerships) of 5 November 2012 (Spanish)

## Mozambique

- [Lei Parcerias Publico-Privadas](#) (PPP Law), 2011 (Portuguese)

## Nigeria

- [National Policy on Private-Public Partnership](#), Infrastructure Concession Regulatory Commission, September 2013. The manual contains detailed information on public-private partnerships (PPP) in Nigeria, including information on the enabling environment for PPPs, on procedures procurement, on the financing of PPP models and case studies.
- [Lagos State PPP Manual](#) (EN)

## Peru

- [Ley de Concesiones Eléctricas y Reglamento](#) (Spanish )
- [Ley Supervisión of Inversión Privada in Infraestructura del Transporte de Uso Público y Promocion de los Servicios de Transporte](#), 1998 (Spanish)

## Philippines

- [Philippine PPP Regulatory framework](#) (English)

## Poland

- [PPP's Act 2008](#) (Polish)

## Czech Republic

- [Czech Republic Concession Act](#) (official English translation)

## Romania

- [Romanian Procurement Law](#) (Romanian)
- [Commentary: Romania's New Public Procurement Law](#) , 2006 (English)

## UK

- [Public Procurement Policy](#) of the United Kingdom
- [United Kingdom Treasury - Public Private Partnership policy and guidance](#)
- [United Kingdom Treasury - Standardization of PF2 Contracts \(SoPC\) \(December 2012\)](#)
- [United Kingdom Treasury - Procurement and contract management](#)
- [United Kingdom - Value for money assessment for using private finance](#)
- [United Kingdom - Archived guidance of PPPs in Infrastructure](#)
- [United Kingdom Treasury - Budgeting and accounting for PPP arrangements](#)
- [United Kingdom Treasury - Financial guidance](#)

## Senegal

- [Senegal BOT Act](#) of 1 March 2004 (French)
- [Bill establishing the Council Infrastructure](#) of 13 February 2004 (French)
- [French commentary](#)

## Sri Lanka

- [Public Utilities Commission of Sri Lanka Act No. 44, 2002](#) (English)

## Tanzania

- [National PPP Policy of Tanzania, 2009](#) (English)
- [Tanzania's Public-Private Partnership Act 2010](#) (English)
- Public-Private Partnership Regulations, 2011
- Public Procurement Act, 2011

## East Timor

- Decree-Law No. 42/2012 [Regime Jurídico das Parcerias Público Privada](#) ( PPP Act 42/2012) of 7 September 2012 (portugais).

## Tunisia

- [Law no. 2008-23 April 1, 2008 on the regime of concessions](#) (French)

## European Union (EU)

- [European Union Rules on Public-Private Partnerships](#) - including EU rules on the establishment of public-private entities, Community law on public contracts and concessions on public-private partnerships and the Green Paper of 2004 on how the legislation on procurement applies to various forms of public-private partnerships.
- [Directive 2014/23 / EU](#) of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (also available in other EU languages, including [French](#) and [Spanish](#) ). The new EU directive sets minimum requirements demanded by the EU for the award of concession

contracts by public authorities to procure works or services from private providers. You can find more information on the EU Directive on the [website of the European Commission](#).

## Uruguay

- [Contratos of Participación Privada Publico para la-Realización de Obras de Infraestructura y Servicios Prestación CONEXOS](#) - Ley No. 18/786 (PPP Law 18 786, Spanish)

## Zambia

- [Public Private Partnerships Act of Zambia, 2009](#) (English)
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## How to handle unsolicited proposals

Private sector entities may submit unsolicited proposals to governments for infrastructure projects. Knowing respond to unsolicited proposals to protect transparency in the procurement process and to recognize the initiative of the project leader is usually difficult.

An explanation of how different countries handle unsolicited proposals in Infrastructure Unsolicited Proposals - How Some Countries Introduce Competition and Transparency, Public-Private Infrastructure Advisory Facility (PPIAF) [Working Paper No. 1, Infrastructure Unsolicited Proposals](#) 2007.

A number of approaches have been developed and some examples are provided below:

### UNCITRAL

The Legislative Guide on financing infrastructure projects ( [Legislative Guide on Privately Funded Infrastructure Projects](#) ) private UNCITRAL is interested in these issues in paragraphs 97 to 117. In the provisions 20 to 23 of its Legislative Provisions on projects financed infrastructure ( [Model legislative Provisions on privately financed infrastructure Projects](#) ) private in 2003, sets a suggested legislative language . Whenever the authority of a host country receives an unsolicited proposal, UNCITRAL recommends it to first determine if the proposal is potentially of public utility. Where applicable, the authority then request more information the project manager to conduct a comprehensive assessment. If the authority decides to continue the project, it determines if it necessarily involves intellectual property, trade secrets or other proprietary rights of the project leader. Projects that do not involve those rights following a comprehensive selection process, during which the project developer is invited to take part in the selection. If intellectual property of the project initiator is not necessarily involved, it is not necessary to follow a full selection procedure.

### Chile

Chile adopted an approach in which the project promoter is required to take part in the entire bidding process but receives bonus points based on the evaluation. The detailed process of managing unsolicited proposals in [Chilean Concession Regulations 956](#) (Spanish). Click [Summary Chile](#) to get a summary of regulations.

### South Africa

The National Treasury Ministry of Finance of the Republic of South Africa published in 2009 notes in connection with unsolicited proposals ( [Practice Note on Unsolicited Proposals for use with PPPs and unsolicited projects or concepts](#) ) . This note sets out the parameters of an unsolicited proposal and provides governments with a framework in which they can be considered.

Note (1) establishes criteria for consideration of an unsolicited proposal; (2) defines the acceptable forms of unsolicited proposals; (3) describes the assessment procedures comply unsolicited proposals; (3) defines the procurement procedures to receive other offers that can compete with the unsolicited proposal; and (4) describes the contexts of use of the unsolicited proposal. For an example in the transport sector, see the South African National Roads Agency Policy: it confers a benefit to the original project leader by giving him the opportunity to participate in the call for "best final offer" (1997).

### **Australia Government New South Wales.**

The [Guide for Submission of Unsolicited Proposals and Assessment](#) (Guide for the presentation and evaluation of unsolicited proposals) establishes a transparent and simplified approach will facilitate joint work between the government of South New Wales and the private sector to develop and deliver innovative ideas. The office of Prime Minister and Cabinet Executive Council received a number of requests that do not meet the criteria set out in the Guide and which would justify a direct commercial relationship with one promoter (instead of a tender) . For [additional information](#) have been developed to help those who are considering making a request to confirm the compatibility with the requirements of the process. Its main objective is to ensure consistency and certainty for private sector participants as to how their proposals will be evaluated spontaneous seamlessly with key to the government of New South Wales that affect how proposal can meet a strategic goal of the Government and its value.

**United States -** [Florida State approach to unsolicited Proposals](#)

## **Further resources and readings**

- [Regulatory Frameworks for Successful PPPs in MENA Countries](#) in *Making Reforms Succeed* , Organisation for Economic Co-Operation and Development (OECD), July 2008.
- [Private Sector Participation \(PSP\) in Urban Public Services: Comparison of Laws and Institutions in MENA Countries](#) Christophe Schramm, World Bank, 2006.
- [International Comparative Legal Guides \(ICLG\)](#) online resource that contentcontenant summaries of relevant legislation in different countries for different practice areas, including project finance and public procurement.