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17 May 2022

Dear M. Heinrich,

I am writing to you in connection with the 15<sup>th</sup> session of the Committee on Innovation, Competitiveness and Public-Private Partnerships scheduled on 25-27 May 2022 in Geneva.

I have noted that a decision of the CICPPP on a Standard on People-first PPP/Concession Model Law is expected under item 4 (b) of the annotated provisional agenda for the 15<sup>th</sup> session (ECE/CECI/2022/1), although the secretariat of the United Nations Commission on International Trade Law (UNCITRAL) has not been informed of the developments on this project since 2019, time of our last exchanges with UNECE thereon.

In that context, I would like to recall that, in 2019, UNCITRAL adopted the UNCITRAL Model Legislative Provisions on Public-Private Partnerships together with the UNCITRAL Legislative Guide on Public-Private Partnerships. As was the case with their previous versions, the 2000 UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects and the corresponding 2003 UNCITRAL Model Legislative Provisions, both instruments were developed with the assistance of well-known experts from around the world and were finalized and approved through an intergovernmental body. The UNECE secretariat was regularly invited to all our sessions, as were also several experts that participated in your work.

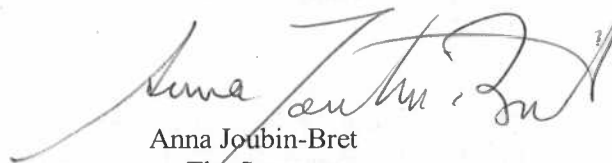
The Model Legislative Provisions and the Legislative Guide provide States with comprehensive and up-to-date recommendations to assist in the establishment of a legislative framework favourable to public-private partnerships and give special consideration to the public interests involved. In its resolution 74/183, of 18 December 2019, the General Assembly expressed its belief that those instruments will be of further assistance to States, in particular developing countries, in promoting good governance and establishing appropriate legislative frameworks for public-private partnership projects and recommended that all States give due consideration to the Model Legislative Provisions and the Legislative Guide when revising or adopting legislation relevant to public-private partnerships, and invited States that have used the Model Legislative Provisions to advise the Commission accordingly.

Mr. Ralph Heinrich, Secretary  
Committee on Innovation, Competitiveness and Public-Private Partnerships (CICPPP)  
United Nations Economic Commission for Europe  
By email: [ralph.heinrich@un.org](mailto:ralph.heinrich@un.org)

While UNCITRAL instruments are mentioned in the Preamble of the draft Standard reproduced in document ECE/CECI/2022/4 that will be before the CICCIP, we have repeatedly brought to the attention of the experts involved in the preparation of the draft Standard our concerns about the potential confusion and duplication of efforts that would result from the adoption of the draft Standard as a "Model Law" considering the previous adoption of UNCITRAL Model Legislative Provisions. We have also expressed our doubts as to whether the needs of ECE member States are indeed best served by a text of this nature rather than, for instance, model contract clauses, bidding documents or policy statements addressing more specific concerns of countries in the region.

I trust you will be kind enough to transmit my letter to the Committee and that we could find a mutually acceptable solution to address this issue.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Anna Joubin-Bret', with a stylized flourish at the end.

Anna Joubin-Bret  
The Secretary  
United Nations Commission on  
International Trade Law

*Enclosure:*

*UNCITRAL Model Legislative Provisions on Public-Private Partnerships (2019)*

*UNCITRAL Legislative Guide on Public-Private Partnership (2019)*