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**ECONOMIC COMMISSION FOR EUROPE**

COMMITTEE FOR TRADE, INDUSTRY AND  
ENTERPRISE DEVELOPMENT

Working Party on International Legal  
and Commercial Practice

Forty-ninth session  
4 - 6 December 2000

**PROVISIONAL AGENDA FOR THE FORTY-NINTH SESSION,**

**INCLUDING PROVISIONAL PROGRAMME FOR THE  
FORUM ON PUBLIC-PRIVATE PARTNERSHIPS FOR INFRASTRUCTURE  
DEVELOPMENT: THE NEXT STEPS**

to be held at the Palais des Nations, Room XIX, on Monday, 4 December 2000

**FORUM** – on Monday and Tuesday 4-5 December 2000, the Working Party on International Legal and Commercial Practice will hold its annual forum. The topic this year is Public-Private Partnership for Infrastructure: the Next Steps. For further information, see annex 1. The forum will be held back to back with a high-level intergovernmental Conference on Financing for Development in Geneva on 6 and 7 December, see item 4.

**ACCESS** – Security measures at the Palais des Nations have been significantly increased and official badges are needed to have access. The procedure for this is accelerated if the Trade Division receives the names of delegates in advance. For further details, see annex 2.

- |     |                                                                                                                                     |                                                             |
|-----|-------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| 1.  | Adoption of the agenda                                                                                                              | TRADE/WP.5/2000/1                                           |
| 2.  | Election of officers                                                                                                                |                                                             |
| 3.  | Proposals for the future work of WP.5                                                                                               | TRADE/WP.5/2000/12                                          |
| 4.  | Forum on Public-Private Partnerships for Infrastructure Development: the Next Steps                                                 | TRADE/WP.5/2000/2<br>TRADE/WP.5/2000/3<br>TRADE/WP.5/2000/9 |
| 5.  | Guide to Financing Private Enterprises and Trade                                                                                    | TRADE/WP.5/2000/10                                          |
| 6.  | New Trends in Competition Law and their Implications for Business                                                                   | TRADE/WP.5/2000/4                                           |
| 7.  | Work of the sub-groups:                                                                                                             |                                                             |
|     | (a) Build-Operate-Transfer (BOT) Group                                                                                              | TRADE/WP.5/2000/5                                           |
|     | (b) Real Estate Advisory Group (REAG)                                                                                               | TRADE/WP.5/2000/6                                           |
|     | (c) Advisory Group on the Protection and Implementation of Intellectual Property Rights for Promoting Investment (IPR)              | TRADE/WP.5/2000/7                                           |
|     | (d) Expert Advisory Group to Consider Possible Revisions to the European Convention on International Commercial Arbitration of 1961 | TRADE/WP.5/2000/8                                           |
| 8.  | Programme of work                                                                                                                   | TRADE/WP.5/1999/13                                          |
| 9.  | Other business                                                                                                                      |                                                             |
|     | (a) Trade finance                                                                                                                   | TRADE/WP.5/2000/11                                          |
|     | (b) Future topics                                                                                                                   |                                                             |
|     | (c) Dates of future meetings                                                                                                        |                                                             |
| 10. | Adoption of the report                                                                                                              |                                                             |

## ANNOTATIONS

### **Introduction**

1. The provisional agenda for the forty-ninth session of the Working Party on International Legal and Commercial Practice has been drawn up by the secretariat in consultation with the Bureau on the basis of the decisions and programme of work adopted by the Working Party at its forty eighth session held in November-December 1999.

2. At its forty-eighth session, the Working Party decided to hold its year 2000 Forum on "Public-Private Partnership for Infrastructure: the Next steps". A preliminary agenda for this event can be found in annex 1. The first two days of the Committee session will be dedicated to the Forum and the subsequent day to the regular session:

		a.m.	p.m.
Monday,	4 December	WP.5 Forum	
Tuesday,	5 December	WP.5 Forum	
Wednesday,	6 December	<u>Parallel Meetings:</u>	
		WP.5 regular session	
		-----	
		Intergovernmental Conference on Financing for Development	
Thursday,	7 December	Intergovernmental Conference on Financing for Development	

3. The forty-ninth session will therefore formally begin at 10:00 on Wednesday, 6 December 2000.

4. It should be recalled that to enter the Palais des Nations delegates must obtain security badges at the Villa Les Feuillantines, which is located near the Palais gate at the Place des Nations (see annex 2). By registering in advance, delegates will find their badges already prepared for them at the Villa. The registration form can be found in annex 2.

### **Item 1 - Adoption of the agenda**

5. In accordance with the Rules of Procedures of the Economic Commission for Europe, the first item on the provisional agenda is the adoption of the agenda (TRADE/WP.5/2000/1).

### **Item 2 - Election of officers**

6. It will be recalled that at the forty-eighth session of the Working Party, in December 1999, Mr. D. WINTER (United Kingdom) was re-elected Chairman and Mr. D. COLODEICIUC (Romania) was re-elected Vice-Chairman.

### **Item 3 – Proposals for the future work of WP.5**

7. It was agreed at the last session that Mr. Winter, the Chairman, will prepare a proposal on the future of WP.5. It was further agreed that he would consult with the members of WP.5 and the chairmen of the sub-groups on these proposals (TRADE/WP.5/2000/12).

### **Item 4 – Forum on Public-Private Partnerships for Infrastructure Development: the Next Steps**

8. At its last session, the Working Party decided that the topic of its 2000 Forum would be “Public Private Partnerships for Infrastructure Development: the Next Steps”. The purpose of the Forum is to present the Guidelines of the UN/ECE BOT Group (TRADE/WP.5/2000/3) and to discuss the ways and means for their implementation, in various UN/ECE regions. The Forum will be open to representatives of Governments, business, international organizations and NGOs. It was further agreed that a private company should be approached to help the secretariat to organize the Forum. A draft outline of the programme is attached as annex 1 to the provisional agenda. For more information on the Forum, the secretariat has prepared Information Bulletin No.1 (TRADE/WP.5/2000/2). A bulletin which will include information on speakers will be issued as document TRADE/WP.5/2000/9.

9. Government representatives are invited to forward details on the Forum (see annexes 1 and 2) to interested representatives of the private sector in their countries.

10. It will be recalled, that the General Assembly of the United Nations has decided to organize a High-Level Intergovernmental Event on Financing for Development, planned for 2001. Subsequently, the Preparatory Committee established for this event requested the regional commissions of the United Nations, in cooperation with the United Nations Conference on Trade and Development (UNCTAD) and the regional development banks, to organize intergovernmental meetings in their regions. The regional meetings will be an integral part of the global process and their results will influence the preparatory process at the global level. In compliance with this approach, the UN/ECE, in cooperation with UNCTAD and the European Bank for Reconstruction and Development (EBRD), will hold a high-level, inter-governmental *Conference on Financing for Development* in Geneva, on 6 and 7 December 2000. The purpose of the Conference will be to bring together ministers of finance and economy from member States, along with the heads of Europe’s leading financial institutions and the private sector, to exchange views and experiences in attracting foreign public and private financial flows in transition economies and in using them for development.

11. In order to make an important contribution to this event, it has been decided to hold the Forum back to back with the Conference. The Forum will take place over two days. The report of the Forum on Public-Private Partnerships for Infrastructure Development will be presented to the Final Plenary Session of the Conference on Financing for Development.

12. In addition, the last session of the WP.5 Forum, entitled “Presenting the public-private alliance for promoting PPPs” will be held as a pre-session of the Conference on Financing for Development, to be held on Tuesday afternoon, 5 December 2000 (see provisional agenda in annex 1).

13. Furthermore, the UN/ECE Real Estate Advisory Group (REAG) will prepare, in cooperation with the EBRD and the Royal Institute of Chartered Surveyors, a background paper for this Conference on the “Importance of developing a viable real estate market for the creation of a sound banking system in the transition economies”.

14. The secretariat informs the members of the Working Party that they will be welcome to attend the Conference on Financing for Development, which will be an intergovernmental event. Non-governmental participants and representatives of the private sector will be cordially invited to attend as observers.

#### **Item 5 – Guide to Financing Private Enterprises and Trade**

15. At its last session, the Working Party agreed to update the Guide to “Financing Private Enterprises and Trade” by preparing new materials on topics agreed by the Working Party, and to publish these separately as briefing papers.

16. The Chairman proposed that members of the Working Party and other interested parties should submit further papers relevant to this topic to the Working Party for its consideration. He would prepare a paper on corporate governance for this session (TRADE/WP.5/2000/10).

#### **Item 6 – New Trends in Competition Law and their Implications for Business**

17. At its last session, the Working Party agreed to prepare the materials from the Forum on “New Trends in Competition Law and their Implications for Business”, Brno, December 1999, as a new Guide. Recalling the agreement of the Brno Forum to hold annual meetings of representatives of competition authorities in cooperation with the European Commission, the United Nations Conference on Trade and Development (UNCTAD) and the Organisation for Economic Co-operation and Development (OECD) to discuss topics raised at the Forum, as well as new issues, the Working Party recognized that this event had fulfilled a need for greater dialogue on competition matters between the public and private sectors within the UN/ECE region.

18. The secretariat informed the Working Party that the Anti-Monopoly Office of Slovakia has offered to host a follow-up meeting in Bratislava in Spring 2001 and has proposed adding to the topics covered in the Brno Forum the issue of the workings of the court systems in dealing with competition matters. In view of this invitation, the secretariat will prepare as a

background document for the meeting a new version of the Guide, in consultation with the Anti-Monopoly Office of Slovakia, incorporating this new aspect. It will present the document for comments to the Working Party (TRADE/WP.5/2000/4).

#### **Item 7 – Work of the sub-groups**

(a) Build-Operate Transfer (BOT) Group

19. The Chairperson of the Group, Ms. Corinne Namblard-Bouverot, will report on the activities and future work programme (TRADE/WP.5/2000/5).

(b) Real Estate Advisory Group (REAG)

20. The Chairman of the Group, Mr. Robert Hall, will report on its activities and future work programme (TRADE/WP.5/2000/ 6).

(c) Advisory Group on the Protection and Implementation of Intellectual Property Rights for Promoting Investment (IPR)

21. The Chairperson of the Group, Ms. Irina Savelieva, will report on its activities and future work programme (TRADE/WP.5/2000/7).

(d) Expert Advisory Group to Consider Possible Revisions to the European Convention on International Commercial Arbitration of 1961

22. The Chairman of the Group, Mr. William Pissoort, will report on its activities and future work programme (TRADE/WP.5/2000/8).

#### **Item 8 – Programme of work**

23. The Working Party should refer to the reports of the chairpersons of the subgroups as presented under item 7, for the work programme. In addition, it should take account of the decisions taken during the forty-eighth session (see TRADE/WP.5/1999/13) and forty-ninth session of the Working Party and the proposal of the Anti-Monopoly Office of Slovakia to hold a follow-up Conference on the topic of Competition Law and Policy in Spring 2001.

#### **Item 9 – Other business**

(a) Trade finance

24. The secretariat informs the Working Party that the Committee for Trade, Industry and Enterprise Development at its June 2000 session requested the Working Party to consider a proposal to incorporate trade finance into its programme of work (ECE/TRADE/262). The secretariat will prepare a short proposal for consideration by the Working Party (TRADE/WP.5/2000/11).

(b) Future topics

25. It has been proposed to hold regular meetings on public-private partnerships in trade and investment in the transition economies.

(c) Dates of future meetings

26. The fiftieth session of the Working Party, including the Forum, will take place in December 2001.

**Item 10 – Adoption of the report**

27. In accordance with established practice, the Working Party will adopt its report on the basis of a draft prepared by the secretariat.

\* \* \*

**Annex 1**

**PROVISIONAL PROGRAMME**  
**UN/ECE Forum on Public-Private Partnership for Infrastructure: the Next Steps**  
**Monday, 4 to 5 December 2000**  
**Palais des Nations, Geneva**

**Monday, 4 December**

- 09:00**            **Registration and Coffee**
- 10:00**            **Introduction and Welcoming Remarks**
- 10:45**            **OPENING SESSION & DISCUSSION**

***The UN/ECE BOT Group Guidelines,  
Addressing the Key Issues in Implementing Successful Partnerships  
in Infrastructure***

**Key Questions**

- What are PPPs?
- What are the possible frameworks/partnerships for PPPs?
  - Example-Build-Operate-Transfer (BOT), Build-Operate-Own (BOO), joint venture, etc. and how do Governments choose the proper framework in which to undertake PPPs.
- When should Governments enter into a partnership with the private sector?
  - Do all partnerships create positive results and if not which ones do and why?
  - What should Governments and the private sector consider prior to entering into a partnership?
- What are the legal and financial issues or concerns?
  - What laws need to be established for PPPs to prosper?
  - What steps can be taken to make tendering more transparent?
  - How should Governments, local banks, and regional development banks such as the European Bank for Reconstruction and Development (EBRD) cooperate for the best financing alternatives?
  - What is the best means to create a regulatory agency that acts fairly and protects the public interest?
- What are the success stories in different regions from western advanced countries in which the transition economies might learn valuable lessons?

- 12:30**            **Lunch Break**



**14:30            SESSION TWO**

***The Challenge of South-East Europe in Coordination With the  
Investment Compact of the Stability Pact (to be confirmed)***

**Key Questions**

**I. Round-table Discussion:** To be chaired by the Joint-Chair of the Investment Compact Initiative (to be confirmed). The major issues facing the establishment and creation of partnerships in south-east Europe will be discussed. Participants in the round table will consist of speakers from:

- Industry- Leading CEOs in project development
- Government- Representatives of countries in south-east Europe who have already completed several partnerships or are currently pursuing them.
- Banks- Members of various financial institutions public (World Bank, European Bank for Reconstruction and Development (EBRD), European Investment Bank (EIB), etc.) and private commercial banks
- Civil Society- NGOs will discuss sustainable development and PPPs.

**II. Break-out Sessions:** Following the Round Table discussion, break-out sessions will be held that which focus on the following sectors:

- Municipal services (water, water treatment, and waste disposal)
- Energy
- Telecommunications
- Transport
- Housing.

Guidelines on best practices for the specific sectors will be developed through discussions that will focus on some of the key objectives of PPPs such as:

- Increased quality of services for the consumers
- A viable profitable commercial activity
- Generating opportunities for the local business community
- Improved environmental standards and safer delivery of services
- Improving the situation of the poor and disadvantaged groups.

The goal of the break-out sessions will be to incorporate these above objectives into PPPs covering municipal services, transport, energy, and housing.

**\*\*Special Session on Municipal Authorities and Regional Administrations:** During the break-out sessions, mayors from cities in the region will be invited to a special session to provide their input into what challenges they are facing in developing infrastructure, and how PPPs can provide a valuable solution, and what is necessary to make these partnerships a reality?

**III. Capacity Building:** Introduction of the UN/ECE negotiation platform. Implementation will require the future involvement of civil servants from the region, most of whom do not yet have much experience with PPPs. The platform, specifically prepared for the Forum, will provide training and awareness raising on how Governments should develop PPPs and what factors they must consider before agreeing to the conditions involved in the terms of and performance of the contract.

**17:30 Final Remarks and End of Monday Sessions**

**Tuesday, 5 December**

**09:00 Coffee and Networking**

**10:00 SESSION THREE**

***Opportunities for PPPs in the Countries of the  
Commonwealth of Independent States***

**Key Questions**

Representatives of the Governments of CIS countries inter alia: (to be confirmed) Belarus, the Russian Federation and Ukraine and will discuss:

1. Are there examples of operational PPPs in CIS countries?
2. What steps have been taken to develop PPPs?
3. What areas appear to be the most lucrative for PPPs and do these coincide with the economic, social, or environmental goals of the countries?
4. What appear to be the largest obstacles to creating PPPs in the region?
5. How can these obstacles be overcome by either legal or regulatory changes?

**12:00 SESSION FOUR**

***The International Dimension: the Asian Experience***

**Key Questions**

In cooperation with the Economic and Social Commission for Asia and the Pacific (ESCAP) and the Government of Bangladesh (to be confirmed)

1. How have the countries of Asia emerged from the financial crisis?
2. How have PPPs been instrumental in making changes in Asia?
3. What are the new opportunities for investment?
4. What experiences or lessons learned from PPPs in Asia could be beneficial for Europe?
5. What have been the biggest barriers to attracting and implementing PPPs in the region and what is currently being done to remove these barriers?
6. What are the next steps for helping the region and the poorer countries in particular?

**13:30            Lunch Break**

**15:30            FINAL SESSION**

***Special Session of the Forum and the Pre-Session of the  
UN/ECE Regional Consultative Meeting on “Financing for Development”***

**Presenting the Public-Private Partnership Alliance**

- I.    Launching the Public-Private Partnership Alliance: Speakers will introduce the PPP Alliance proposal and why it would be beneficial and why it should be implemented.
- II.   Reports by chairpersons on break-out sessions.
  - What recommendations were made during the session?
  - What steps can be taken to promote PPPs within the respective sector?
  - How could continued dialogue benefit all partners in PPPs, Governments, financiers, industry, and the public at large?
  - What would be two primary objectives to achieve in the respective sector?
- III. Comments on the reports: comments by leaders in business, Government, and finance will respond to the reports from the break out sessions looking at problems raised, possible solutions, and making priorities for the PPP Alliance.
- IV.   The next steps: What can be done to make the recommendations of this conference a reality? The PPPs Alliance provides a framework in which the next steps for PPPs can be achieved. Achieving these Next Steps will require enhanced communication between countries, a negotiation platform, and a place in which lessons from projects can be learned in order to create better ones for the future.

**18:30   Closing Remarks**

**OTHER DETAILS**

**Networking**

The Forum will provide an excellent networking opportunity. In addition, if delegates from Governments are interested in informally presenting project proposals to participants in the Conference and a translator is required, please inform the secretariat and efforts will be made to provide adequate accommodation for these discussions.

### **Documentation and Recommendations of the Forum**

Written submissions by speakers and delegates to the Forum are welcome. The Working Party will review these submissions with a view to their eventual publication by the United Nations. In addition, the Final Document of the Forum will be approved by the Working Party, and will be available to the participants after the Forum. This document will be published as an official United Nations publication.

### **Organization**

In view of the large number of participants who are expected to attend the Forum, the Working Party requested the secretariat to contact a private conference organizer to assist it in the preparation of the event. Accordingly, Magpie Links Ltd., a UK company, has agreed to assist the secretariat in the organization of the Forum. For further details, Magpie Links can be reached at the following:

Tel: (00 44) 207 640 00 20

Fax: (00 44) 207 207 36 82

E-mail: Barbara.baker@magpielinks.co.uk

### **Accommodation**

Information on accommodation can be obtained from the Geneva Tourist Office:

The Geneva Tourist Office

Tel: (+41 22) 909 70 00

Fax: (+41 22) 909 70 75

E-Mail: info@geneve-tourisme.ch

Web page for Hotels in Geneva: <http://www.geneve-tourisme.ch/eng/index99.html>

### **Registration**

Interested parties are invited to fill out the attached Registration Form (see annex 2) and return it to the following address:

Mrs. Dominique Rames

Trade Division, Room 433-2

United Nations Economic Commission for Europe

Palais des Nations, CH-1211 Geneva 10, Switzerland

Tel: (+41 22) 917 24 81

Fax: (+41 22) 917 00 37

E-mail: [dominique.rames@unece.org](mailto:dominique.rames@unece.org)

**For Further Information on this Forum**

For questions regarding the Forum, please contact Messrs Geoffrey Hamilton or Travis Coleman at the information given below:

Geoffrey Hamilton / Travis Coleman  
Trade Division, Room 433  
United Nations Economic Commission for Europe  
Palais des Nations, CH-1211 Geneva 10, Switzerland  
Tel.: (+41 22) 917 28 38 / 917 1379  
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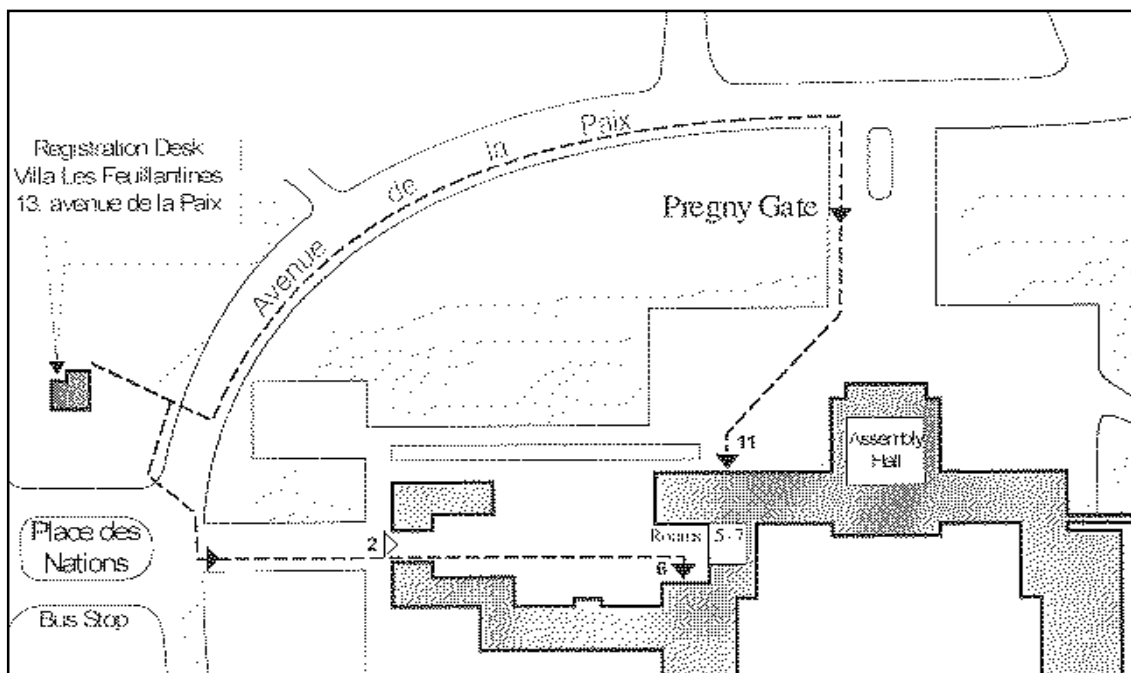
## Annex 2

### REGISTRATION OF DELEGATES

#### Access to the Palais des Nations

Security measures have been strengthened at the Palais des Nations and delegates attending meetings are required to have badges issued by the Security Unit and bearing their names, which will give access to Palais grounds. In order to avoid long waiting lines, delegates are invited to fill in and send to the secretariat the attached registration form before coming to Geneva. Once in Geneva, delegates will be required to collect their badges at the Villa Les Feuillantines (13, avenue de la Paix, see map below, opening hours: 08:00 a.m.-05:00 p.m.) before the meeting. They should plan on about an hour to obtain the badge and reach the meeting room.

*Participants have to present themselves in person at the UN Security with a proof of identification in order to obtain the security pass. It is, unfortunately, not possible to mail the security pass.*



**CONFERENCE REGISTRATION FORM**

**Please send not later than 24 November 2000 to:** Dominique.Rames@unece.org

(you can obtain an electronic registration form upon request to Mrs. Rames)

or fax: (+41 22) 917 0479 or 917 0037.

Kindly complete this form in print to avoid any errors

**Title of the Conference**

**Date:** .....

**UN/ECE Forum on Public-Private Partnerships for Infrastructure: The Next Steps**  
(to be held at the Palais des Nations, on 4 6 December 2000, Room XIX)



**Delegation/Participant of Country, Organization or Agency, Company's Name**

**Participant**

Mr.	Ms.	FAMILY NAME	First Name

**Category**

Head of Delegation	<input type="checkbox"/>	Are you based in Geneva as a representative of a permanent mission?  YES NO (✓ if applicable)	UN Organizations	<input type="checkbox"/>
Delegation Member	<input type="checkbox"/>		NGO	<input type="checkbox"/>
Country	<input type="checkbox"/>		Private Sector	<input type="checkbox"/>
Participating	From:		Until:	

**Document Language Preference**

English ☐ French ☐ Russian ☐

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