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## **Draft addendum to the UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects**

**Note by the Secretariat\*\***

**Compilation of comments by Governments and international  
organizations**

**Addendum**

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\* Revised dates.

\*\* This addendum was submitted late by the UNCITRAL Secretariat because of the delay in submission of the original comments.



## II. Compilation of comments

### A. States

#### Ecuador

[Original: Spanish]

1. Ecuador proposes the following text for paragraph (a) of model provision 2, “Definitions”:

“For the purposes of this law:

“(a) ‘Infrastructure facility’ means genuine investments giving rise to assets for public use that, through their use, determine and form the basis for the functioning and development of productive and social activities and for the provision of general services by the State”.

2. Genuine investments are productive investments as distinct from financial investments and investments for profit.
3. The following are considered assets for public use: highway administration in its different forms; land, maritime, river and air transport; energy and electricity; soil treatment; environmental sanitation; and ecology or the environment.
4. Ecuador proposes the following paragraph for model provision 6, “Purpose and procedure of pre-selection”:

“The Higher Technical Supervisory Agency shall decide autonomously and independently on the conclusion of all contracts entered into by public institutions to the extent determined by the national legislation of each country and shall verify the legality of the processes by which public institutions delegate or grant powers to the private sector, likewise in accordance with the national legislation of each country.”

5. Finally, the Government proposes that the model instrument should include a provision defining private financing as financing that comes from persons under private law and originating in the market, i.e., the convergence point of tradable economic goods and services.