



Gide Loyrette Nouel



Essential Aspects of PPP Contract

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Speed uppp Ukraine, Kyiv

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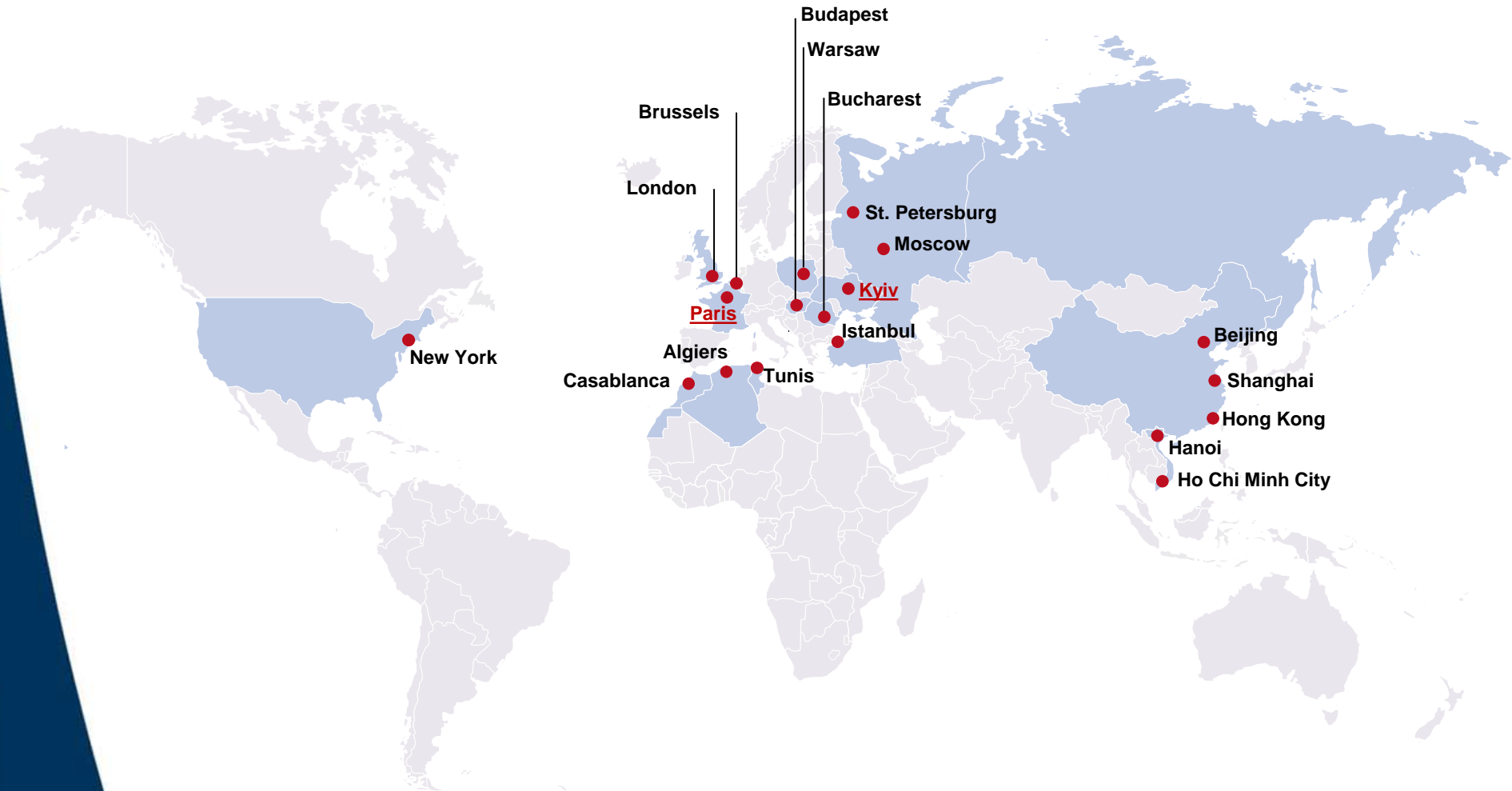
Who We Are

- Gide Loyrette Nouel (GLN) is a **full service law firm**, founded in **1920**
- Operating out of **19 offices worldwide**, with **650 lawyers**, including 103 partners of some **40 different nationalities**
- A **top-tier international law firm**, with market-leading international experience in **institutional and regulatory reform** (including in Ukraine):
 - ➔ **amending and drafting legislation**, including PPP and foreign investment related laws and regulations and project-specific authorisations, and
 - ➔ **establishing new institutional bodies and industry regulators;**
 - ➔ **advising the Government on implementation of PPPs.**
- GLN played an **active role**, as a member of the **UNCITRAL panel of experts**, in drafting the Legislative Guide on Privately Financed Infrastructure Projects (2000)



A Strong International Presence

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Effective instrument

- Regulation vs. Guidelines
- Flexibility of the PPP/concession agreement
- Freedom of the parties to define the essential aspects of cooperation



Essential conditions

- Model agreements

- Essential conditions of a PPP agreement provided for by the Ukrainian legislation:
 - ↳ Essential conditions provided for by various legislation acts
 - ↳ Consequences of non-compliance of the PPP/concession agreement with the requirements of the legislation

- Negotiable aspects of PPP/concession agreements



Negotiable aspects

- Structure and scope of the project
- Risk allocation provisions
- Financial support issues and bankability provisions
- Follow up on implementation of the agreement



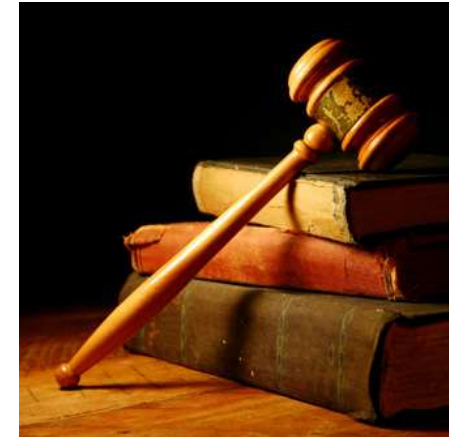
Management of the agreement



- Reports, inspections and audits
- Rehabilitation procedures and “saving the project” provisions
- Suspension of services and emergencies
- Events of default
- Enforceability of penalties

Other provisions

- Termination provisions
- Force Majeure
- Dispute resolution:
 - ↳ mediation;
 - ↳ Court consideration including arbitration
- Changes in law
 - ↳ Fundamental changes in law



Thank you for your attention!

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