



GLN

Gide Loyrette Nouel
International Law Firm



2011

Institutional and Regulatory Reform

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usually granted by a governmental or quasi-governmental concession is the cornerstone of the “BOT” (“build project finance model. In this model, a concession holder who is required to build the relevant infrastructure, operate them or it for a fixed term (or it) back to the project will the

Projects (Finance & Infrastructure) Institutional and Regulatory Reform

Gide Loyrette Nouel (GLN) offers market-leading experience advising governments, public companies and international financial organisations on institutional and regulatory reform. GLN lawyers have extensive experience in amending and drafting legislation, including PPP and foreign investment-related laws and regulations and project-specific authorisations, as well as establishing new institutional bodies and industry regulators. The breadth of their practice experience gives them a unique perspective on institutional and regulatory issues, which guarantees efficient and dynamic assistance to comprehensively answer clients' concerns when advising an authority or government.

As a proof of their unparalleled insight in the field, GLN lawyers have played an active role as members of the UNCITRAL panel of experts for drafting the Legislative Guide on Privately Financed Infrastructure Projects (2000) and its Addendum on Model Legislative Provisions (2003). These are currently used by legislators in most countries to elaborate their PPP legal framework and draft the corresponding legal provisions.

Our lawyers' comprehensive legal knowledge and wide-ranging experience give authorities and governments the edge they need to succeed in their institutional and regulatory reforms. In this respect, the fact that GLN lawyers have been chosen by the following countries to draft their PPP/Concession Laws speaks for itself: **Iraq** (ongoing), **Jordan** (2010), **Egypt** (2010), **Albania** (2007), **Kuwait** (2006), **Senegal** (2003), **Croatia** (2002), **Slovenia** (2002), etc.

Selected Recent Transactions

Review of PPP Legal Framework

- **Assessment of PPP Legal Framework and PPP Strategy, Burkina Faso (ongoing):** advising the World Bank as legal counsel to the Government of Burkina Faso on the elaboration of a PPP Strategy for Burkina Faso, drafting of a new Public-Private Partnership law (and bylaws) and setting up of an agency dedicated to PPP in Burkina Faso.
- **PPP Regulatory Framework Reform, Kazakhstan (ongoing):** advising the Government of the Republic of Kazakhstan on carrying through comprehensive legislative improvements to make PPP work acceptable to international financial institutions.
- **Assessment of PPP Legal Framework, Bulgaria (2009):** advising the Council of Ministers of the Bulgarian Republic on the survey of some European PPP legislation, with a particular focus on coordination during the preparation and granting of concessions, as well monitoring during their implementation.
- **Concession Assessment Update, EBRD Countries (2008):** advising on updating the evaluation of concession-related legislation in the 28 EBRD countries and benchmarking with several Western European Concession legislations.
- **Legal Indicator Survey (LIS) on Concession Law Implementation & Effectiveness, EBRD Countries (2006):** advising the EBRD on the evaluation of the effectiveness of the legal framework for concessions in the 27 EBRD countries.
- **Impediment to Non-sovereign Financing, Russia (2005):** advising the EBRD on the analysis and recommendations concerning legal impediments to non-sovereign financing of infrastructure in Russia.
- **Concession Legal Framework Assessment, EBRD countries (2005):** advising on the evaluation of concession-related legislation in the 27 EBRD countries.

Institutional and Regulatory Reform

Gide Loyrette Nouel is "leading the way in jurisdictions where the PPP market is still fairly young."

Chambers Global 2009

"This revered Parisian firm plays a key role in oil and gas, international infrastructure, privatization and PPP programmes worldwide. With numerous offices across North Africa, the projects team is a leader in francophone countries, although its practice embraces the whole continent."

Chambers Global 2008

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Drafting PPP/Concessions Laws

- **United Nations Private Sector Development Programme, Iraq (ongoing):** advising as UNIDO legal expert in relation to the legislative assessment of the existing legal framework and conducting the drafting of an Economic Reform Law, as well as other legislation necessary for the development of the private sector in Iraq.
- **PPP Law, Jordan (2010):** advising the Government of the Hashemite Kingdom of Jordan and the Jordanian Executive Privatization Commission on the drafting of a new PPP Law.
- **PPP Law, Egypt (2010):** advising the Government of the Arab Republic of Egypt on the development and drafting of a PPP Law which has been promulgated as Law No. 67 for 2010.
- **PPP Law, Albania (2007):** advising the IFC and the Government of Albania on the drafting of a best practice PPP Law and the creation of a PPP agency.
- **PPP Law, Kuwait (2006):** advising the World Bank and the Government of Kuwait on the drafting of a best practice PPP Law and the creation of a PPP agency.
- **Concession Law/BOT law Reform, Senegal (2003):** advising the Government of Senegal and the World Bank on drafting a Concession/BOT Law, the first in the region, with a special emphasis on "bankability" aspects, and the creation of an infrastructure council.

Sectoral Legislative and Regulatory Reforms

- **Review of Oil & Gas Legislative Framework, 16 African countries (ongoing):** advising the African Petroleum Producers Association (APPA) on the review and the comparative study of the oil and gas legislation, regulations and model contracts in force in the 16 APPA member countries with the aim of incorporating standards, rules and practices into a harmonised model contract.
- **Small Hydro Power Plants - Regulatory Framework Improvement, Albania (ongoing):** advising the Government of Albania and the IFC on the improvement of the regulatory framework related to small hydro power plants and renewable energy.
- **Economic Zone Legislation Review, Lao (2010):** review, as UNIDO legal expert, of the proposed legislation regarding Special Economic Zones and Specific Economic Zones in Lao PDR.
- **Water, Energy & Regulatory Reform, Mali (2010):** advising the Malian Government for the drafting of implementing regulations to complete the legislative and regulatory framework for drinking water, sewage and electricity in Mali.
- **New Hydrocarbon Code, Gabon (2009):** advising the Republic of Gabon on drafting a new Hydrocarbon Code (exploration, exploitation, transport, refining and distribution), its implementation provisions and a new production sharing contract model, as well as conducting a limited comparative study of the hydrocarbons legislation in certain African countries.
- **Mayumba Deep Sea Harbour, Gabon (2009):** advising the Gabonese Government in connection with the award of a concession for the construction and exploitation of a deep-water port including the review of the regulatory and legal framework and amendment of the legal framework.
- **Water Law, Qatar (2007):** advising the Government of Qatar on drafting a modern and comprehensive Water Law and establishing the relevant institutional structure.
- **Implementation of FIDIC Contracts, Romania (2007):** advising the Romanian Ministry of Finance regarding the implementation of the FIDIC conditions of contract in Romanian legislation.
- **Seaport Law Review & Implementation of the Existing Regulation, Algeria (2005):** advising the Algerian Government on a review and analysis of ports laws and drafting of the implementing regulations.
- **ONE, Morocco (2004):** advising the national electricity utility company on the liberalization of the electricity sector and new related legislation.
- **Privatization of SONAPRA, Benin (2004):** advising the Government of Benin in connection with the privatization of the Plants of SONAPRA (cotton ginning) and the reform of the legal framework governing cotton activities.