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Working Party on Public-Private Partnerships

Fifth session

Geneva, 29-30 November 2021

Item 5 of the provisional agenda

Rules of Procedure

Rules of Procedure of the Working Party on Public-Private Partnerships

Note by the Bureau

Background

At its first session in 2017, the Working Party on Public-Private Partnerships (Working Party) decided that the Rules of Procedure of the Economic Commission for Europe ([ECE/778/Rev.5](#)) should govern its proceedings until such time when it decides to develop and adopt its own specific Rules of Procedure.

At its fourth session in December 2020, the Working Party agreed to develop its own Rules of Procedure in line with paragraph 2 of the Appendix III of document E/ECE/1464 (Guidelines on procedures and practice for ECE bodies), and following the Working Party's Terms of Reference as adopted by the Executive Committee on 18 November 2016 (ECE/EX/2016/L.17). The Working Party also decided to set up a drafting team to develop the Rules of Procedure and requested the Bureau to decide on its composition at its first virtual meeting in 2021.

The Bureau of the Working Party at its meeting on 29 January 2021 decided that the Rules of Procedure should be finalised by 30 June 2021 and agreed on the membership of the drafting team composed of the following Working Party delegates (in alphabetical order): Ms. Lucie Berger (European Union), Mr. Hafiz Salikhov (Russian Federation), Mr. Sean Smith (United States), Mr. Nicolaus-Alejandro Weil von der Ahe (Germany) and Ms. Sedef Yavuz Noyan (Turkey). The drafting group, chaired by Ms. Lucie Berger (European Union), concluded its work in June 2021, and the Rules of Procedures were further elaborated by the Bureau in July 2021.

This document contains the Rules of Procedure for the Working Party approved by the Bureau on 5 August 2021 with a recommendation to the Working Party for their approval.

The Rules of Procedure are submitted to the fifth session of the Working Party for discussion and possible approval.



Chapter I. Organisation of the Sessions

Rule 1

Regular sessions

The Working Party's regular sessions take place once a year unless otherwise decided by the Working Party at its regular sessions.

Rule 2

Dates of the next session

At its regular sessions, the Working Party decides on the date of the next session. Changes in previously agreed dates of sessions due to unforeseen circumstances can be initiated by the Bureau in consultation with the secretariat

Rule 3

Provisional agenda

(a) The provisional agenda for the upcoming session shall be drawn up by the Bureau in consultation with the secretariat and shall be circulated to member States at least eight weeks before the meeting.

(b) The Bureau shall choose important substantive issues within the mandate of the Working Party to be addressed during the substantive segment of the session. The agenda of the regular annual session should also include a discussion point concerning the Working Party's Programme of Work and the Implementation Plan ahead of their adoption by the parent body.

(c) The documents for decision (working documents) shall be published by the secretariat, following an approval by the Bureau,¹ ideally six weeks before the meeting, and not less than four weeks ahead of the meeting.

(d) Informal documents shall be published by the secretariat, following an approval by the Bureau, at least two weeks before the session.

Chapter II. Accreditation process for participants

Rule 4

Accreditation of government appointed delegates who participate as members of the Working Party

(a) The rules for representation and participation in the Economic Commission for Europe (E/ECE/778/Rev.5) and the Guidelines on Procedures and Practices for ECE bodies adopted by the Economic Commission for Europe (E/2013/37-E/ECE/1464,² appendix III) shall be applied to the accreditation of ECE member States' delegates who intend to participate as members of the Working Party. Accordingly, member States shall be represented by officially designated representatives whose names shall be communicated to the secretariat by the respective Permanent Representations for each session of the Working Party.

¹ In the planning of document submission, due consideration should be given to the holiday periods over the summer months and the festive season.

² https://unece.org/DAM/commission/EXCOM/Key_documents/E_ECE_1464_Appendix_III.pdf

(b) Non-ECE member States' delegates can participate as observers. The rules for representation and participation in the Economic Commission for Europe (E/ECE/778/Rev.5) and the Guidelines on Procedures and Practices for ECE bodies (E/2013/37-E/ECE/1464, appendix III) shall be applied also to the accreditation of non-ECE government delegates who intend to participate as observers in the Working Party. Thus, non-ECE member States shall be represented by officially designated representatives whose names shall be communicated to the secretariat by the respective Permanent Representations for each session of the Working Party.

(c) All ECE and non-ECE member states' accredited delegates, whether they come from the public sector, the private sector or civil society, represent the views of their accrediting government in the Working Party. Experts who are not accredited by a government (ECE or non-ECE) shall participate as observers as per Rule 5 below.

Rule 5

Participation of the private sector, academia, civil society and international organizations in the Working Party sessions

(a) Representatives of the private sector, civil society, academic communities or international organisations can participate in the sessions of the Working Party at the invitation of the secretariat and as observers without a right to vote.

(b) The secretariat is responsible to scrutinise the relevance of expertise, and other factors in line with UN due diligence rules/customs before approving new experts who express interest in participating in the Working Party as observers. The secretariat should keep a list of registered experts who were rejected and submit it to the Bureau as soon as available.

Rule 6

List of participants

The preliminary list of participants in the Working Party session shall be communicated by the secretariat to the Permanent Representations and the Bureau Members at least two working days before the Working Party meeting. The final list of participants should be circulated following the meeting together with the meeting report.

Chapter III. The Bureau

Rule 7

Composition of the Bureau

(a) The Bureau of the Working Party is composed of one Chairperson, one Vice-Chairperson, up to five Bureau Members and up to four observers.

(b) The Bureau is therefore composed of up to seven voting members, and a maximum of four observers without voting rights.

(c) The Chairperson, Vice-Chairperson, Bureau Members and observers serve collectively in the interest of all Working Party members and not as official representatives of their Governments or organisations.

(d) Any full member of the Working Party is eligible for membership in its Bureau. Any changes to the Bureau members' status (such as change of employment) must be communicated to the secretariat. The secretariat shall reconfirm the status of the delegate with the Permanent Representation and the respective rules.

(e) The Working Party should strive for a geographical and gender balance on the Bureau. The Chairperson and the Vice-Chairperson shall be civil servants or government

officials in their respective accrediting ECE governments. A maximum of one Bureau member may be a representative from a non-ECE member State; being on the Bureau does not give the non-ECE Bureau member any voting rights in the Working Party.

(f) The members of the Bureau undertake to devote the time necessary to an adequate discharge of their duties.

Rule 8

Observers

(a) The Working Party may also elect a maximum of three observers on the Bureau (an additional observer is not elected but invited by the Chairperson), including up to one private sector representative, up to one academia representative, and up to one civil society representative. The coordinator of the International (Specialist) Centres of Excellence, if applicable, serves as a fourth observer upon invitation by the Chairperson (see Annex V).

(b) The observers on the Bureau do not have voting rights.

Rule 9

Term of office

The term of office shall be up to two years. Bureau members, including the Chairperson, can be re-elected for an additional term in the same capacity. A Bureau member may serve up to six years in different capacities on the Bureau, following which a mandatory break of one term (two years) is required. Efforts shall be made, as appropriate, to ensure balance between continuity and renewal within the Bureau. The terms of office of elected officials shall begin at the end of the session in which they are elected. This will allow the current Bureau to preside over the session that they have prepared.

Rule 10

The nomination and election procedure

(a) The nomination and elections for the Bureau will take place in accordance with the Guidelines on Procedures and Practices for ECE bodies adopted by the Economic Commission for Europe (E/2013/37-E/ECE/1464, appendix III).

(b) Elections shall be conducted during the first day of the Working Party annual session. The secretariat shall announce to the Permanent Representations the number of positions open for election along with the provisional agenda, that is, at least eight weeks before the elections.

(c) Candidatures will be presented for the following positions:

(i.) Chairperson of the Bureau;

(ii.) Up to six Bureau members (a Vice-Chairperson will be selected by the Bureau members at the first Bureau meeting); and

(iii.) Observers from the respective three interest groups (private sector, academia, civil society).

(d) Nominations of candidates for voting members shall be made through the respective Permanent Representations in Geneva. Each country can nominate one candidate of its choice, using its own criteria for selection and taking into account criteria such as expertise, leadership, ability, willingness to work and geographic and gender balance.

(e) If possible, the observers decide jointly on their respective candidates to represent their interest group (private sector, academia, civil society) on the Bureau ahead of the session. In such case, the candidate announces their candidature ideally with supportive evidence of such agreement to the secretariat at least ten days ahead of the meeting. Should

there be more than one candidate for any of the observer position on the Bureau, and/or if an agreement in the interest group cannot be reached on one observer candidate, a vote by the Working Party will automatically take place to elect up to one of them. Candidates that will enter the election have to be explicitly supported by at least two other representatives from the respective interest group in the Working Party. If no candidate receives a simple majority of votes, no observer from the interest group will be elected.

(f) All nominations must include the candidate's personal details (name, delegation if any, organization if any, contact details, résumé). The nomination may also include any other details that highlight why the candidate is a good fit for the position.

(g) All nominations should be sent to the secretariat ideally ten days before the election, and the secretariat shall announce the list of nominees as soon as it consolidates the list and checks that everything is correct, but no later than five days before the elections.

(h) The candidates will be elected by consensus if the number of candidates corresponds to the vacant posts on the Bureau, or fewer. Should a member State break the consensus on any of the candidates, the secretariat will organise elections through secret ballot on the contested candidate(s). In case of excess candidacies for the same position on the Bureau, the secretariat will organise elections through secret ballot for the over encumbered position(s) (Chairperson, Bureau members, individual observers). If a secret ballot is organised, a simple majority of the votes (present and voting) must be achieved in order to be elected as a Chairperson, Bureau member or observer.

Rule 11

Chairing the session

(a) The Working Party sessions as well as the Bureau meetings are chaired by the elected Chairperson. If the Chairperson is absent from any meeting or part thereof, the Vice-Chairperson shall perform the functions of the Chairperson; otherwise, the Vice-Chairperson has no other special functions and is considered as a Bureau member.

(b) If neither the Chairperson nor Vice-Chairperson are present at the Working Party session, a new interim Chairperson will be elected at the beginning of the session. If neither the Chairperson nor the Vice-Chairperson are present at a Bureau meeting, the Bureau will select one of the Bureau members with voting rights as an interim Chairperson for that Bureau meeting or that part of the meeting. The interim Chairperson shall have the same powers and duties as the Chairperson limited to the respective Bureau meeting or period until a new Chairperson is elected.

Rule 12

Number of meetings

(a) The Bureau shall meet as regularly as necessary, and at least four times between the annual sessions of the Working Party. The Bureau meetings will be conducted remotely (to allow online participation).

(b) Each Bureau will meet for the first time immediately after the regular Working Party session. The last meeting of the Bureau will take place back to back before the opening of the regular Working Party session.

(c) The secretariat invites the Bureau members and observers to the Bureau meetings, following an agreement with the Chairperson on the date, time and agenda of the meeting.

Rule 13

Consensus vs. voting

(a) The Bureau shall strive to take decisions by consensus during its meetings. The Chairperson should play a proactive role in reaching consensus on the Bureau. If consensus cannot be reached on an issue, any member of the Bureau has the authority to call for a vote. Vote may not take place if less than 50 per cent of the voting Bureau members are present. Decisions of the Bureau following a vote are taken by simple majority of votes present and voting.

(b) If the quorum (50 per cent of voting members) cannot be reached on an urgent decision to be taken during the Bureau meeting, the Chairperson can exceptionally launch a written procedure with a deadline of at least two weeks but not more than four weeks. Silence in such written procedure does not prevent the motion to be carried if a simple majority is reached (that is, more “yes” than “no”).

(c) If a vote takes place and results in a tie, the Chairperson decides on the way forward.

Rule 14

Key functions

(a) The Bureau acts as the steering body of the Working Party in achieving its objectives.³ The Bureau does not adopt the conclusions, recommendations, decisions and meeting reports of the Working Party but supports the Working Party in reaching consensus on such matters.

(b) The key functions of the Bureau are:

- (i.) To monitor and ensure implementation of the programme of work and of past decisions and recommendations during intersessional periods;
- (ii.) To ensure effective and transparent preparations of forthcoming sessions and, for that purpose, to collectively outreach and consult with all member States, and other stakeholders as appropriate;
- (iii.) To ensure effective conduct of business during the sessions in full compliance with the present Rules of Procedure as well as the Guidelines on Procedures and Practices for ECE bodies, and to facilitate reaching agreement on decisions and recommendations in the Working Party.

(c) In addition to these tasks, the Bureau helps the consensus-building process by means of transparent and inclusive consultations on the draft outcomes of the Working Party or any processes mandated thereby.

(d) In its activities the Bureau should coordinate with the secretariat on all relevant issues.

(e) If the Bureau decides so, the Chairperson may invite major relevant stakeholders to attend the meetings of the Bureau and contribute to its work, without the right to vote.

³ According to the Terms of Reference of the Working Party on PPP, the main activities of the Working Party are the following:

- (a) Development of international PPP standards and recommendations in a number of sectors and subsectors that contribute to achieving the UN Sustainable Development Goals (SDGs);
- (b) Preparation of international PPP best practices [...]; and
- (c) Facilitating broad dissemination of international best practices and standards in the area of PPPs subject to the availability of extra-budgetary resources, through the organization of targeted capacity-building activities, policy advisory services and training programmes.

- (f) The working language of the Bureau is English.

Rule 15

Additional functions

- (a) The Bureau steers the PPP standard development process (as detailed in Annex I), and namely through the following activities:
- (i.) The Bureau submits proposals for drafting process initiation to the Working Party for approval;
 - (ii.) If mandated by the Working Party, the Bureau may approve the detailed proposal for drafting of a new standard, and initiate the drafting in between Working Party sessions;
 - (iii.) The Bureau proposes or approves (if delegated by the Working Party) the drafting team's leader/co-leads and is consulted on the drafting team members; and
 - (iv.) The Bureau supervises the process between the Working Party sessions.
- (b) The Bureau is additionally consulted on the topics/focus areas of the programme of the International PPP Forum, following a decision to hold such a Forum by the Working Party, and taking into account the recommendations or comments from the Working Party.

Rule 16

Reporting

The Chairperson shall ensure that the Bureau decisions are recorded. An annual summary report of these decisions shall be provided ahead of the annual session of the Working Party, and presented thereon.

Rule 17

Use of titles

There are no official titles assigned for participation in the Working Party. The use of titles within the Bureau shall be pursuant to the "Guidelines on the use of official titles" issued by the secretariat in October 2019, as amended and approved by the Bureau of the Working Party.

Rule 18

Conflict of interest

- (a) Any Bureau Member or Observer or any Working Party Member who stands to gain personally from any Working Party or Bureau decision must recuse themselves from participating in any related discussions and declare their recusal to the secretariat in writing.
- (b) Bureau members should not receive financial or a commercial benefit from their participation in Working Party activities.
- (c) The ECE's guidelines on cooperation with private sector/conflict of interest, if applicable, shall apply.
- (d) To avoid possible conflict of interest, the Bureau members may not benefit from the ECE's extrabudgetary project funding other than the costs incurred, such as travel.

Chapter IV. Procedures for adoption of decisions and reports

Rule 19

Taking decisions: consensus and voting procedure

(a) The Working Party shall, whenever possible, strive to take decisions on the basis of consensus. If voting is used, the Chapter on Voting in the Rules of Procedure of the Commission shall apply.

(b) Observers in the Working Party, that is, private sector representatives, academia, other organisations and non-ECE delegates, may not vote.

Rule 20

Circulation of draft conclusions/recommendations/decisions

The preparation and circulation of draft conclusions, recommendations or decisions and their formal adoption at the end of the Working Party sessions will take place in accordance with Section VII of the Guidelines on Procedures and Practices for ECE bodies.

Rule 21

Draft report

A draft report of the meeting, which reflects the meeting discussions in a concise and factual manner, should be circulated before the end of the meeting for comments and subsequently adopted by member States at the end of the meeting.

Rule 22

Adoption of the report after the session

If the draft report cannot be circulated at or adopted during the meeting for technical reasons, the secretariat will distribute it to all participants, the Permanent Representations in Geneva and the Bureau, for subsequent approval no later than ten days after the conclusion of the session. The list of participants will be annexed to the Report.

Annex I.

Process for developing international Public-Private Partnerships standards: 7 stages to the “Public-Private Partnerships Standards Development Process”

I. Introduction

1. At its ninth session in September 2015, the Committee on Innovation, Competitiveness and Public-Private Partnerships, adopted the process for developing international PPP standards (document: ECE/CECI/PPP/2014/2).
2. The Annex develops the process further, in order to align it with the organisational changes, as well as the new Rules of Procedure.

II. Process for developing international standards in PPPs

3. This section presents the process through which PPP standards and/or recommendations are developed in the Working Party on PPP whereby all stakeholders will be given opportunities to contribute.

The guiding principles under which PPP standards are developed are as follows:

- (a) The process is led by member States who make the final decision for approval;
 - (b) Active participation of the private sector and other stakeholders in the process is highly encouraged;
 - (c) The support of the implementation of the Sustainable Development Goals (SDGs) is reflected.
 - (d) The work on the standards is voluntary. Any financial compensation is subject to Bureau approval, and based on the availability of extrabudgetary resources managed by the ECE as approved by the Bureau and the Executive Committee, as applicable.
4. The seven stages of the PPP Standards Development Process are described below.

A. Drafting process initiation

5. A Working Party decision initiates a process to develop a new standard, following a proposal from the Bureau.
6. The proposal should include the purpose, a clearly defined scope, a list of deliverables, the Drafting Team Leader or Team co-Leads (where appropriate), a tentative list of Drafting Team members (if available), resource requirements, and an estimated development schedule including the final submission of the deliverable(s) for approval (see template for a proposal to draft a new standard in Annex II).
7. The Working Party can mandate the Bureau to develop such proposal for its next session in a respective area, or the Bureau can submit a proposal to the Working Party for approval if an agreement was reached in the Bureau. Exceptionally, the Working Party can explicitly delegate to the Bureau the development of a detailed proposal and approval for immediate initiation of the drafting of a new standard in an agreed area.

B. Stakeholder mobilization

8. Once a drafting process proposal is approved by the Working Party, the ECE secretariat will start mobilizing a network of key stakeholders in order to set up a Drafting Team to prepare the draft of the standard. Team leaders (or co-leads) are also encouraged to

name one or more Editors to assist the Team Leader(s) in his or her work. The team leader(s) will consult the Bureau on the list of team members and give them an opportunity to comment on it or make recommendations prior to commencing the work. Before starting the drafting process, the list of team members should be published on the dedicated website and shared with the Permanent Representations in Geneva.

9. If there is no Editor, the responsibility for project drafting and the recording of comments and responses to comments will fall upon the Team Leader/co-Leads. All participants in the Team must agree to the intellectual property rights policy contained in Annex III. The ECE secretariat provides administrative and technical support to the Teams tasked with developing an initial draft of the standard.

10. The involvement of the private sector and civil society in the process is crucial considering its vast expertise and knowledge of PPP projects in different countries.

C. Developing the initial draft

11. The zero draft of the standard, using the template in Annex IV, will be prepared by the Team and it will be reviewed by the Bureau of the Working Party. Subsequently, the first draft including the comments from the Bureau, and following the approval of the Bureau, will be circulated for a public review.

12. The Bureau may decide to submit the zero draft to the Working Party for comments before the public review (while respecting the mandatory deadline for sharing of working documents ahead of a session). In any case, the Bureau keeps the Working Party informed of the progress in all its sessions.

13. Sufficient time, not exceeding one month, will be given for input from the Bureau. The Bureau may mandate the secretariat to seek input from other key stakeholders including other UN Regional Commissions, international organizations, civil society and academia.

14. The drafting Team Leader reports regularly (at least every twelve weeks) to the Bureau about the progress made including an updated timeline, as necessary. He/she may also be invited to report on the progress during the scheduled Bureau meetings.

D. Public review

15. After an agreement from the Bureau, the first draft taking into account the input from all key stakeholders, the ECE secretariat will place the draft of the standard on the ECE website for a sixty-day period. A notification that the draft is available for public review, with the deadlines and description of the public review process will be sent to all delegates of the Working Party and the CICPPP, including the Geneva-based Permanent Representations, as well as their networks of experts.

16. The draft standard needs to be inclusive, aligned with the 2030 Agenda and represents the general interests of the largest possible number of countries and stakeholders. Therefore, all the comments received during the public review stage need to be taken into account by being properly logged in and registered, with the Team's responses, on a public website.

17. If significant changes are made to the draft as a result of comments made during the public review, then the revised standard must be posted again for public review, for additional 30 days. This cycle should be repeated as many times as is necessary for developing a consensus standard of high quality. The definition of "significant" is to be decided by the Team, in consultation with the Bureau of the Working Party and the secretariat.

E. Endorsement

18. Once the public review is over, the Team, through the ECE secretariat, will submit the draft standard to the Bureau of the Working Party for review and endorsement. The Bureau will either endorse the draft or identify the next steps and propose them to the Working Party for decision.

19. If endorsed by the Bureau, the draft standard/recommendation will be sent to the Working Party for its review with a recommendation for endorsement.

F. Approval

20. The final draft will be reviewed, including the possibility to make changes, by the Working Party and if endorsed, the draft will be submitted to the CICPPP to approve it and validate that all the stages have been carried out. After this stage, the document can be published for distribution and voluntary implementation by member States.

G. Maintenance and Implementation

21. After publication, the recommendations/standards can be reviewed by the Working Party to take into account new developments. Guidelines for maintenance and implementation procedures will be prepared by the Bureau.

22. The ECE secretariat is mandated to assist ECE member States, upon request, in the implementation of the standards. Non-ECE member States may receive support subject to available extrabudgetary resources.

23. There are no titles assigned for participation in the drafting of PPP standards.

Annex II.

Template for a Proposal to Draft a New Standard

1. This Annex contains a template for a proposal to draft a new standard (the Proposal), which is a short document that describes a concept that will lead to a PPP “standard” and will be developed by a Drafting Team. The Proposal must include the purpose, a clearly defined scope, a list of deliverables, geographical focus, a list of Drafting Team members (where appropriate), resource requirements, and an estimated schedule for developing the final deliverable.

(a) Title

(b) Purpose

2. The purpose of the Proposal is to develop a ECE standard on.... [what does the Drafting Team aim to achieve].

(c) Scope

3. The scope of the intended draft standard is.... [what is included and what is excluded in the proposed draft standard].

(d) Deliverables

4. The expected deliverables are:

[name of deliverable 1] – [description of deliverable 1]

[name of deliverable 2] – [description of deliverable 2].

(e) Geographical focus

5. The focus of ECE standards is the ECE’s region but may be applicable more broadly. Experiences and samples from all around the world should therefore be taken into account.

(f) Drafting Team membership and required functional expertise

6. Membership is open to experts with broad knowledge in the area of [...] and ideally experience in low- and middle-income countries.

(g) Resource requirements

7. Participants in the drafting process shall provide resources for their own participation. The existence and functioning of the drafting team shall not require any additional resources from the ECE secretariat.

(h) Timetable

8. Detailed description of key milestones with dates from drafting process initiation to submission for approval by the intergovernmental process.

Annex III.

A. Intellectual Property Rights Policy governing the development and use of UNECE PPP Standards

1. The present Intellectual Property Rights (IPRs) policy was cleared by the United Nations Office of Legal Affairs (OLA) in New York and adopted by the CICPPP at its ninth session in September 2015. It is being reproduced in this Annex with minor changes to reflect organisational changes since 2015.

B. Background

2. It is an important UN principle that its work must be made available for use by member States free of charge. The guiding principle under which PPP standards are developed is that the main beneficiary of the standards and recommendations are the member States. Intellectual Property Rights (IPRs), mainly copyright, are generated throughout the development of PPP standards, third party IPRs may also be used, and this IPR Policy is aimed at managing the use and ownership of this IPR.

C. UNECE PPP standards as public goods

3. In order to promote the widest adoption of the PPP outputs, they can be implemented freely and without any restrictions. The Bureau of the Working Party on PPPs will not recommend the approval of a standard if it is aware that third parties' IPRs exist in the draft standard or other output that are not freely available for use without any restrictions.

D. Intellectual Property Ownership and Waiver

4. All new intellectual property generated throughout the development of the PPP standards belongs to the ECE. As a condition for participating in the Drafting Teams, Drafting Team members agree to waive their rights to enforce any prior IPRs used in the PPP standards and other outputs against any party using the standard or output.

E. Transparency and Confidentiality

5. The ECE and the members of the Drafting Teams have no duty of confidentiality with respect to any information transferred between them. No information transferred that is subject to any requirement of confidentiality or any restriction on its dissemination will be considered for inclusion in any part of the PPP Standard Development Process, and there must be no assumption of any confidentiality obligation with respect to any contribution.

F. Disclaimer

6. The following disclaimer must be included in the publication, on the website and in any other form of presentation of ECE PPP outputs covered by the IPR Policy.

7. The ECE draws attention to the possibility that the practice or implementation of its outputs (which include but are not limited to standards, recommendations, norms, guidelines and technical specifications) may involve the use of a claimed intellectual property right. Each output is based on the contributions of participants in the PPP standard development process, who have acknowledged that all new intellectual property rights generated belongs to the ECE and have also agreed to waive enforcement of their existing intellectual property rights used in the PPP standards against any party using the outputs.

8. The ECE takes no position concerning the evidence, validity or applicability of any claimed intellectual property right or any other right that might be claimed by any third

parties related to the implementation of its outputs. The ECE makes no representation that it has made any investigation or effort to evaluate any such rights.

9. Users of ECE PPP outputs are cautioned that any third-party intellectual property rights claims related to their use of a ECE PPP output will be their responsibility and are urged to ensure that their use of ECE PPP outputs does not infringe on an intellectual property right of a third party.

Annex IV.

Zero Draft Standard Template for all PPP Sectors

This Annex contains a template to be used for all PPP sectors and sub-sectors. The Template for PPP Sectors consists of a model PPP project that has been developed on the basis of an analysis of best practices from case studies (good and bad) and experience. It contains information that public sector officials at all levels – and especially in countries that lack a track record in PPP – ask for, or need to know, when evaluating PPP options.

- (a) Acknowledgements
- (b) Background and Purpose
- (c) Executive Summary
- (d) Section 1: Evaluation and Analysis of the PPP Models in [a Sector]
 - (i.) Recent international trends in the use of PPP in [a Sector]
 - (ii.) Advantages and disadvantages of the various PPP models in [a Sector]
 - (iii.) The PPP model chosen for [a Sector]
- (e) Section 2: Feasibility of the PPP Model within different Socio-Economic Contexts
 - (i.) Legal perspective
 - (ii.) Business case using the “Five-Case Models” framework⁴
- (f) Section 3: Optimal Allocation of Risks
 - (i.) Risk matrix
- (g) Section 4: Financing Model
 - (i.) Sources of funding
 - (ii.) Payment agreements
- (h) Preliminary Recommendations and Conclusion
- (i) Annexes
 - (i.) Comparison table of the different PPP models
 - (ii.) Relevant literature

⁷ The Five Case Model comprises the Strategic Case, the Economic Case, the Financial Case, the Commercial Case and the Management Case. It was first developed by the United Kingdom and its use has spread to other countries.

Annex V.

International PPP (Specialist) Centres of Excellence

1. The network of International PPP (Specialist) Centres of Excellence is independent of the ECE. It has been customary for the network to elect its coordinator who presents the work of the network in the Working Party session. As long as the network continues this practice, and as long as the network contributes to the Programme of Work of the Working Party, the coordinator will be invited by the Chairperson to participate in the Bureau as an observer.
 2. No formal institutional relationship between the ECE and the individual International PPP (Specialist) Centres of Excellence, or their network, is required for this cooperation. The use of “ECE” or “ECE-affiliated” name or logo in any form is not permitted.
 3. The cooperation between the ECE and the International (Specialist) Centres of Excellence is currently under consideration. Consequently, specific rules of procedure might be added once this process is completed and specific guidelines are adopted at the Executive Committee level.
-