



China, People's Republic of: Preparing a Concession Law for Infrastructure and Public Services

Project Name	Preparing a Concession Law for Infrastructure and Public Services	
Project Number	48007-001	
Country	China, People's Republic of	
Project Status	Closed	
Project Type / Modality of Assistance	Technical Assistance	
Source of Funding / Amount	TA 8717-PRC: Preparing a Concession Law for Infrastructure and Public Services	
	Technical Assistance Special Fund	US\$ 400,000.00
Strategic Agendas	Inclusive economic growth	
Drivers of Change	Governance and capacity development	
Sector / Subsector	Public sector management - Public expenditure and fiscal management	
Gender Equity and Mainstreaming	No gender elements	
Description	The country partnership strategy positions ADB's public sector operations to strengthen the enabling environment for private sector development by financing infrastructure, supporting policy and regulatory reforms, and improving access to finance. Urban development is identified as a priority area for support for private sector participation and PPPs during 2011-2015. The CPS also provides for the complementary support for knowledge sharing to promote best practices.	
Project Rationale and Linkage to Country/Regional Strategy		
Impact	Strengthened enabling environment for PPPs	

Project Outcome

Description of Outcome	Enhanced awareness among senior decision makers of the legal framework needed to develop the PPP program
Progress Toward Outcome	Implementation of the TA is on track.

Implementation Progress

Description of Project Outputs	<ol style="list-style-type: none">1. Observations on the lessons from the PRC and international experience with PPP laws and regulations2. Suggestions on the draft concession law3. Dialogue on potential legal and regulatory amendments4. Widely accessible knowledge product targeted at senior decision makers
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Status of Implementation Progress (Outputs, Activities, and Issues)

The NDRC released draft concession measures for public comment in January 2015. Contributions were made by the TA consultants and ADB staff. The measures were approved by the State Council in April 2015.

An international workshop on Legislation on Infrastructure and Utilities Concessions was conducted in June 2015. The workshop was organized by the EA, PRC and ADB. The workshop was attended by representatives from the central governments, the financial and consulting sectors, academia, and development partner institutions. The workshop focused on concession legislation work of PRC, British and French experiences, and international practices and experience on legislation on infrastructure and utilities concession. A stocktake of the international experience and observations on the relevance of this experience for the PRC were prepared based on the workshop and shared with the NDRC.

International consultants have provided extensive follow-up advice and background material to NDRC. Their main report on the international experience with concession laws has been provided to NDRC, reviewed, and a paper is now being readied for publication.

The team leader, the lead national consultant, submitted a detailed review on developments in the PRC's PPPs and implications for a concession law. Drawing on this review, suggestions for drafting of the law were provided to NDRC.

The NDRC released draft concession regulations for public comment in December 2015. Comments were provided by the TA consultants and ADB staff. The TA supported analysis and dialogue that has fed into refinement of the regulation.

The TA supported an international consultation by the government's drafting team to UNCITRAL, the European PPP Centre, and PPP firms and advisors in Vienna, Paris, and Brussels.

A final, wrap-up meeting was held on 5 September, 2016 in Beijing. It was attended by the legal affairs departments of the National Development and Reform Commission (NDRC), State Council, and the Ministry of Finance. The meeting reviewed the TA's findings and suggestions on drafting of a concession law. The meeting reviewed the role of the TA in helping the law's drafting team develop a deep understanding of international concession and PPP legislation.

Geographical Location

Summary of Environmental and Social Aspects

Environmental Aspects

Involuntary Resettlement

Indigenous Peoples

Stakeholder Communication, Participation, and Consultation

During Project Design TA design took into account views of key stakeholders. The need for the participation of key stakeholders in implementation has been built into the design.

During Project Implementation The NDRC will lead the engagement with government agencies and stakeholders during TA implementation.

Business Opportunities

Consulting Services The TA will engage the following consultants: Team Leader and Chief Legal Adviser (4 person-months), a PPP Expert (4 person-months), and a Coordinator (2 person-months), international Legal Adviser (2.5 person-months), and PPP Adviser (0.5 person-month)

Responsible Staff

Responsible ADB Officer Sugden, Craig

Responsible ADB Department East Asia Department

Responsible ADB Division Public Mgt, Financial Sector and Regional Coop Division, EARD

Executing Agencies *National Development and Reform Commission
No. 8 South Yuetan St.
Beijing 100824
China*

Timetable

Concept Clearance 15 May 2014

Fact Finding 24 Feb 2014 to 24 Feb 2014

MRM -

Approval 16 Sep 2014

Last Review Mission

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Last PDS Update

29 Sep 2016

TA 8717-PRC

Milestones					
Approval	Signing Date	Effectivity Date	Closing		
			Original	Revised	Actual
16 Sep 2014	09 Oct 2014	09 Oct 2014	15 Sep 2016	-	-

Financing Plan/TA Utilization						Cumulative Disbursements		
ADB	Cofinancing	Counterpart				Total	Date	Amount
		Gov	Beneficiaries	Project Sponsor	Others			
400,000.00	0.00	50,000.00	0.00	0.00	0.00	450,000.00	16 Sep 2014	393,172.44

Project Page <https://www.adb.org/projects/48007-001/main>

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