Contribution to OECD CONNEX Guiding Principle VII
Change in law provisions in long term complex projects PPP

Abstract of Burkina Faso regulation on Concessions and PPP contract (Free translation)
(Decree of February 3rd 2014)

Art. 50: The contract indicates the conditions under which the private partner is entitled to an indemnification in the case where for the implementation of the contract it has incurred costs substantially more important or received a compensation substantially lower from initially foreseen deriving from changes in laws or regulations specifically applicable to the works or services contracted for.

Art. 51: without prejudice to article 50, the contract may also provide the conditions under which the private partner has a right to request revision providing for a compensation when for the implementation of the contract it has incurred costs substantially more important or received compensation substantially lower than what was really foreseen and deriving from:

- changes in the economic and financial situation ;
- changes in laws or regulations not specifically relating to the works or services that it provides.

In such cases the request for revision of the contract may only be entertained if those changes of economic, financial, legal or regulatory nature:

- takes place after signature of the contract ;
- are independent of the will of the private partner ;
- have been of unforeseeable nature during contract negotiation.

The contract establishes the revision of its clauses when such changes occur.

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Under the coordination of Marc Frilet
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