

**SUPREME DECREE N° 059-96-PCM – SINGLE UNIFORM TEXT OF THE
REGULATIONS WITH FORCE OF LAW GOVERNING THE GRANTING IN
CONCESSION OF INFRASTRUCTURE AND UTILITIES PUBLIC WORKS TO THE
PRIVATE SECTOR**

Supreme Decree published on December 27, 1996.

Amended by Law N° 26885 published on December 4, 1997, Supreme Decree N° 054-97-PCM published on October 31, 1997 and Law N°27156 published on July 17, 1999.

THE PRESIDENT OF THE REPUBLIC

WHEREAS:

The Law for Private Investment Promotion in Infrastructure and Utilities Public Works was enacted by Legislative Decree N° 839;

The Fifth Final and Transitory Provision of Legislative Decree N° 839 establishes that by Supreme Decree countersigned by the President of the Council of Ministers, a Single Uniform Text of the regulations with force of law governing the granting in concession of infrastructure and utilities public works to the private sector will be approved;

Pursuant to the provisions of section 8 of Article 118° of the Political Constitution of Peru;

HEREBY DECREES:

Article 1.- To approve the Single Uniform Text of the regulations with force of law governing the granting in concession of infrastructure and utilities public works to the private sector. This Text includes seven (7) Titles, six (6) Chapters, forty (40) Articles, four (4) Supplementary Provisions, two (2) Transitory Provisions and five (5) Final Provisions.

Article 2.- This Supreme Decree will become effective as of the day following its publication in “El Peruano” Official Gazette.

**SINGLE UNIFORM TEXT OF THE REGULATIONS WITH FORCE OF LAW
GOVERNING THE GRANTING IN CONCESSION OF INFRASTRUCTURE AND
UTILITIES PUBLIC WORKS TO THE PRIVATE SECTOR**

**TITLE I
GENERAL PROVISIONS**

Article 1.- The national interest of private investment promotion within the scope of infrastructure and utilities public works is hereby declared.

(Article 1° of Leg. Decree N° 839)

Article 2.- Private investment is promoted within the scope of infrastructure and utilities public works under the form of concession.

The concessions, licenses, authorizations, permits, easements and others required for the utilization of natural resources, the execution of infrastructure public works and services supply are regulated by the provisions of the appropriate sector laws.

(Article 2° of Leg. Decree N° 839 and second paragraph of Article 1° of Leg. Decree N° 758, amended by Leg. Decree N° 839)

Article 3.- The regulations included in this Single Uniform Text promote* private investment in infrastructure and/or utilities public works, and regulate their exploitation, for which they may grant concessions to companies, local or foreign for the construction, repair, conservation and exploitation of utilities public works. The public works concession implies service exploitation.

(Article 1° of Leg. Decree N° 758, as amended by Leg. Decree N°839)

*(The text of Article 1° of Leg. Decree N° 758 says: “This Legislative Decree promotes”)

TITLE II

BODIES PROMOTING PRIVATE INVESTMENT IN INFRASTRUCTURE AND UTILITIES PUBLIC WORKS

Article 4.- The organization in charge of private investment within the scope of infrastructure and utilities public works is the Private Concessions Promotion Commission - PROMCEPRI¹, which has the following bodies:

- a) PROMCEPRI’s Executive Management Office; and,
- b) The Special Committees.

(Article 3° of Leg. Decree N° 839)

Article 5.- The Private Investment Promotion Commission – PROMCEPRI, is hereby created as the sole entity in charge of promoting private investment in infrastructure and utilities public works which may granted in concession to the private sector, pursuant to the provisions of this Single Uniform Text and its Regulations*.

PROMCEPRI is in charge of designing and conducting the private investment promotion process in infrastructure and utilities public works, unifying the decision-making process in that regard, as the highest governing entity.

PROMCEPRI members will be appointed by Supreme Resolution countersigned by the President of the Council of Ministers.

(Article 4° of Leg. Decree N° 839)

*(The text of Article 4° of Leg. Decree N° 839 says: “Legislative Decree and Legislative Decree N° 758 and its regulations, as applicable”.)

Article 6.- PROMCEPRI is in charge of:

1. Assuming the competence corresponding to the concession of infrastructure and utilities public works, under the mechanisms and proceedings established in this Single Uniform Text and its Regulations*.
2. Establishing, based on technical-economic and/or final studies, as appropriate, the infrastructure and utilities public works, which will be granted in concession to the private

¹ In accordance with Article 1° of Law N° 27111, published on May 16, 1999, the functions, powers and competences granted to the Private Investment Promotion Commission (PROMCEPRI) were transferred to the Private Investment Promotion Commission (COPRI).

sector, under the mechanisms and procedures established in this Single Uniform Text and its Regulations*.

This power comprises the determination whether the form of concession for infrastructure and utilities public works will be that of Special Public Bidding or Invitation to Tender for Umbrella Projects.

3. Approving, prior to its execution, the Private Investment Promotion Plan related to the concession of one or various infrastructure or utilities public works.

The referred Plan will be presented to PROMCEPRI by the respective Special Committee.

4. Analyzing, evaluating and approving the proposals submitted to Special Committees, seeking to secure the consistency of the process.
5. Approving its budget and managing the financial resources derived from the Public Treasury and other local or foreign sources required to comply with its functions.
6. To execute all kinds of pacts, contracts and agreements with local and foreign institutions.
7. Other functions assigned by Supreme Decree.

(Article 6° of Leg. Decree N° 839)

* (The text of Article 6° of Leg. Decree N° 839 says: “Legislative Decree N° 758 and Supreme Decree N° 189-92-PCM, provided that they do not oppose the provisions hereof”.)

Article 7.- The Executive Management Office is the body in charge of coordinating with the Special Committees and contributes to the implementation of PROMCEPRI Agreements.

Its functions and powers will be set by PROMCEPRI Agreement.

(Article 7° of Leg. Decree N° 839)

Article 8.- The Special Committees are set-up by Resolution of the Presidency of the Council of Ministers, upon PROMCEPRI's proposal, in order to collaborate with PROMCEPRI for the best compliance with its purposes.

These Committees are directly dependent of PROMCEPRI, which will set their functions and powers by Agreement.

(Article 8° of Leg. Decree N° 839)

Article 9.- The powers and obligations established in favor of PROMCEPRI in this Single Uniform Text*, may be delegated to the Executive Management Office or the respective Special Committee, by Agreement of such Commission.

(Article 14° of Leg. Decree N° 839)

* (The text of Article 14° of Legislative Decree N° 839 says: “herein [in this Legislative Decree]”)

Article 10.- The State entities should adopt the agreements or carry out the required proceedings or acts to execute PROMCEPRI and Special Committee decisions, without exception. It is

presumed that all of these decisions are related, direct or indirectly, to private investment promotion in infrastructure or utilities public works.

In these cases, the liability arising from the agreements adopted or from the proceedings and acts executed by such entities*, will lie exclusively on PROMCEPRI and the Special Committee, if applicable.

(Article 16° of Leg. Decree N° 839)

*(The text of Article 16° of Leg. Decree N° 839 says: “the specific grantors”)

TITLE III

RESOURCES FOR PRIVATE INVESTMENT PROMOTION IN INFRASTRUCTURE AND UTILITIES PUBLIC WORKS

Article 11.- The Private Investment Promotion Fund in infrastructure and utilities public works - FONCEPRI², managed by PROMCEPRI, is hereby created.

FONCEPRI resources will be aimed at financing activities inherent to the process regulated by this Single Uniform Text*. PROMCEPRI will assign the respective items to the Executive Management Office and Special Committees to be managed.

(Article 9° of Leg. Decree N° 839)

*(The text of Article 9° of Leg. Decree N° 839 says: “hereby [this Law]”)

Article 12.- FONCEPRI’s resources are as follows:

- a. An amount to be established in each case by PROMCEPRI Agreement, based on the kind of concession³:

The general mechanism to calculate the indicated amount will be determined by Supreme Decree.

- b. Internal and external credits or donations obtained to comply with this Single Uniform Text*.
- c. Financial income generated by managing its own resources.
- d. Others assigned thereto.

(Article 10° of Leg. Decree N° 839)

*(The text of Article 10° of Leg. Decree N° 839 says: “Legislative Decree”)

² Supreme Decree N° 011-99-PE, published on July 31, 1999, provided for the integrated management of FOPRI and FONCEPRI resources under the Executive Management Office of the Private Investment Promotion Fund.

³ Supreme Decree N° 021-98-PCM, published on May 21, 1998, specified the general mechanism to determine the payment to be made to FONCEPRI.

**TITLE IV
CONCESSIONS**

**CHAPTER I
GENERAL PROVISIONS**

Article 13.- The concession on public property does not grant a real property right thereon. However, in these cases, the concession contract will be sufficient title for the concessionaire to enforce the rights such agreement granted thereto before third parties, especially the right to collect tariffs, prices, highway tolls or other investment recovery systems. Under these assumptions, the concessionaire may exploit the property or properties of the concession on its own or by third parties. The concessionaire will always remain as the sole liable party before the grantor.

(Article 6° of Leg. Decree N° 758, as amended by Leg. Decree N° 839)

Article 14.- The concession may be granted under any of the following terms:

- a) For valuable consideration, imposing on the concessionaire the obligation to provide a certain cash contribution or a share on the benefits in favor of the grantor;
- b) Under gratuitous title;
- c) Co-financed by the grantor, with an initial delivery during the construction or exploitation stage, be it refundable or not; or,
- d) Mixed, when more or one of the foregoing terms concur.

(Article 9° of Leg. Decree N° 758, as amended by Legislative Decree N° 839).

Article 15.- To determine the type of concession pursuant to Article 14° of this title, the need for the public works and services should be considered, as well as its profitability, cost amortization, and conservation and exploitation expenses.

If when applying the provisions of the foregoing paragraph, any of the terms provided for in sections b, c or d of Article 14°*, is selected, the concessionaire's reinvestment obligations or the grantor's share may be specified in case the return exceeds the foreseen one.

(Article 10° of Leg. Decree N° 758, as amended by Leg. Decree N° 839)

*(The text of Article 10° of Leg. Decree N° 758 says: "9°")

Article 16.- The concessions will be granted for a duration indicated in the Concession Contract, which in no case will exceed sixty (60) years. The duration will be calculated as of the execution date of the respective contract.

(Article 32° of Leg. Decree N° 758, as amended by Leg. Decree N° 839)

**CHAPTER II
GUARANTIES FOR PRIVATE INVESTMENT**

Article 17.- The concession contracts may contain clauses stipulating the compensation to which the concessionaire will be entitled in case the State interrupts, annuls or modifies the concession due to a cause not established in Articles 38° and 39°* of this Single Uniform

Text**. Such compensatory clauses will be guaranteed by a contract with force of law executed between the State and the concessionaire, upon the latter's request.

The State may submit financial controversies derived from the concessions referred to in this Single Uniform Text** to national or international arbitration, pursuant to the provisions of Article 63°*** of the Political Constitution of Peru, even though the Law Contract referred to in the foregoing paragraph has not been executed.

(Article 5° of Leg. Decree N° 758, as amended by Leg. Decree N° 839)

* (The text of Article 5° of Leg. Decree N° 758 says: “33° y 34°”)

** (The text of Article 5° of Leg. Decree N° 758 says: “Legislative Decree”).

*** (at the time of the enactment of Leg. Decree N° 758, Article 136° of the 1979 Political Constitution of Peru was applicable; this Single Uniform Text indicates that the Article corresponds to the current Constitution).

Article 18.- The terms and conditions will establish the form and term during which the concessionaire may request the revision of the tariff, prices, and highway tolls system or other investment recovery systems, as well as the readjustment formula for supervening causes which justifying so.

(Article 27° of Leg. Decree N° 758)

Article 19.- In the case of concession contracts, the terms of the stability agreements regulated in Legislative Decrees N° 662 and 757, will be valid throughout the concession's term.

In order to furnish the guaranties and grant the benefits indicated in these legal provisions, the investment terms and conditions indicated in the respective concession contracts will be applied. The two-year term referred to in such regulations is not applicable.

(Third Supplementary Provision of Leg. Decree N° 839)

If applicable, it may be also possible to include in the juridical stability agreements the Early Recovery Regime of the Value Added Tax (IGV) applicable to the concessionaire and/or the tax imposed on net assets. (*Paragraph included by Article 1° of Law N° 26885*)⁴

CHAPTER III TAX REGIME

Article 20.- The following text is hereby added as section i of Article 116° of Legislative Decree N° 774:

“i) The assets granted in concession by the State pursuant to Legislative Decree N° 758 and their regulatory, supplementary and amending regulations, used for utility services supply, as well as the constructions made by concessionaires thereon”.

⁴ Article 1° of Supreme Decree N° 009-98-PCM, published on March 20, 1998, specified that the provisions of this Article are also applicable to the investors of the successful bidders of the concession processes referred to in this Single Uniform Text.

(Fourth Supplementary Provision of Leg. Decree N° 839)

Article 21.- Investment projects in infrastructure and utilities public works granted in concession to the private sector under contracts executed with the State under this Single Uniform Text are hereby included within the scope of Legislative Decree N° 818 and Law N° 26610.

The Regime referred in the foregoing paragraph will also be applied when the assets acquired or built by the concessionaire are transferred to the State during the term of the concession, pursuant to the appropriate contract. *(Article amended by the single Article of Law N° 27156)*⁵

Article 22.- The transfer value of the State's assets at the end of the concession or its renewal, will be the book value of assets that had not been totally depreciated. No tax created or to be created will be imposed on the transfer, including those taxes which require to be specifically referred to for non-attachability and exemption purposes.

The concessionaire may depreciate on an annual basis the assets subject matter of the concession pursuant to its useful life. The depreciation rate may not exceed a 20% annual rate.

Alternatively, the concessionaire may totally depreciate such assets during the remaining period until the expiration of the concession term, applying for such purposes the straight-line method.

The treatment established in the second and third paragraphs of this Article is applicable to the intangible assets of limited duration derived from the right of use on the assets transferred to the State. For these purposes, the applicable amortization rate will be equal to the depreciation rate established for the asset transferred to the State. *(Article amended by the single Article of Law N° 27156)*⁶

CHAPTER IV PROCEDURE FOR THE GRANTING OF CONCESSIONS

Article 23.- The Special Public Bidding Proceedings and Invitations to Tender for Umbrella Projects and the appropriate Concession Contracts will be approved by PROMCEPRI.

The contents of the terms and conditions referred to in the pertinent part of the Regulations* are descriptive and do not have a restrictive nature.

The referred terms and conditions will determine the destination and utilization of the resources that may be generated for the State as a result of granting the concession to the private sector, by applying this Single Uniform Text**.

If the procedure established in the terms and conditions were not executed within the terms set, the respective Special Committee, based on its own initiative or upon the interested parties' request, will declare invalid the referred Competitive Bidding or Invitation to Tender.

⁵ Supreme Decree N° 132-97-EF, published on October 27, 1997, approved the Regulations for Infrastructure and Utilities Public Works Tax Benefits included in Article 21° and 22° of this Single Uniform Text.

⁶ Supreme Decree N° 132-97-EF, published on October 27, 1997, approved the Regulations for Infrastructure and Utilities Public Works Tax Benefits included in Article 21° and 22° of this Single Uniform Text.

(Article 11° of Leg. Decree N° 839)

*(The text of Article 11° of Leg. Decree N° 839 says: “in Articles 19° y 35° of Supreme Decree N° 189-92-PCM”)

** (The text of Article 11° of Leg. Decree N° 839 says: “Legislative Decree”)

Article 24.- To participate in the public bidding or invitation to tender for umbrella projects, it will be required to guarantee the proposal in the form, manner and conditions established by the terms and conditions for such purposes.

(Article 8° of Leg. Decree N° 758, as amended by Leg. Decree N° 839)

Article 25.- The concession* will be granted to the holder of the most convenient proposal technically and financially, which will be determined in accordance with the assessment system set in the terms and conditions, considering, among others:

- a) The tariff level and structure, if applicable;
- b) The concession term;
- c) The financial offering;
- d) Income guaranteed by the grantor;
- e) The risk commitment undertaken by the bidder, with regard to the project cost and exploitation risks;
- f) The tariff readjustment formula and its revision system, if applicable;
- g) Other useful and necessary additional services.

(Article 12° of Leg. Decree N° 758, pursuant to Leg. Decree N° 839)

* (“in Special Public Bidding cases” has been omitted from the text of Article 12° of Leg. Decree N° 758)

The appropriate regulatory organism will take care of the compliance with the terms and conditions proposed in the tender of the successful bidder of the respective bidding or tender, formulated in accordance with the sections referred to in this Article, which will be added to the concession contract. (*Paragraph included by Article 2° of Law N° 26885*).

Article 26.- The summons to public bidding or invitation to tender for umbrella projects should be published in “El Peruano” Official Gazette and two newspapers published nationwide for two consecutive days. There should be at least thirty (30) calendar days between the second publication and the deadline for the filing of documents required by the terms and conditions of the competitive bidding or invitation to tender.

The act* will take place with the intervention of Notary Public appointed for such purpose in the place, on the day and at the time indicated.

(Articles 16° and 18° of Leg. Decree N° 758, as amended by Leg. Decree N° 839)

* (“Special Public Bidding” has been omitted from the text of Article 18° of Leg. Decree N° 758)

Article 27.- The persons referred to in Article 1366° of the Civil Code and Law N° 23835 may not participate as bidders, neither directly nor indirectly. Those former concessionaires who ceased to hold such position due to default of the respective contract may neither participate as bidders.

(Article 17° of Leg. Decree N° 758)

Article 28.- Upon completion of the respective procedure for concession granting, the successful bidder should furnish sufficient guarantee to secure the adequate execution of the works and services supply, and the compliance with the obligations related to its nature, quality and characteristics.

The guaranties may be real or personal. Their nature and amount will be determined in the terms and conditions of the respective competitive bidding or invitation to tender.

(Article 14° of Leg. Decree N° 758)

CHAPTER V REGIME APPLICABLE TO CONCESSIONS

Article 29.- All aspects related to the supervision of the performance of obligations arising from the concession contracts subject matter of this Single Uniform Text*, will be determined by PROMCEPRI.

(Article 13° of Leg. Decree N° 839)

*(The text of Article 13° of Leg. Decree N° 839 says: “hereof [of this Legislative Decree]”)

Article 30.- The goods which become integral parts of or accessories to the concession may not be transferred separately therefrom, nor may these be mortgaged, pledged or become subject to liens of any kind, during the effective period thereof, without the grantor’s approval. At the end of the concession, they will be transferred to the State’s domain (Article 21° of Legislative Decree N° 758, as amended by Legislative Decree N° 839). *(Article amended by Article 1° of Supreme Decree N° 054-97-PCM)*

Article 31.- When it is essential to modify the existing easements, the concessionaire will be bound to reestablish them upon the works’ completion, in the form and within the terms agreed in the contract.

(Article 22° of Legislative Decree N° 758)

Article 32.- The State may:

- a) Enforce the penalties for contract default;
- b) Declare the concession temporarily interrupted, when any of the causes established in Article 33° of this Single Uniform Text occurs**;
- c) Declare the lapsing of the concession, when any of the causes established in Article 39°*** of this Single Uniform Text** occurs.
- d) Modify the concession when convenient according to the following Article;

(Article 25° of Leg. Decree N° 758, as amended by Leg. Decree N° 839)

*(The text of Article 25° of Legislative Decree N° 758 says: “33°”)

** (The text of Article 25° of Legislative Decree N° 758 says: “hereof [of this Legislative Decree]”)

*** (The text of Article 25° of Legislative Decree N° 758 says: “34”)

Article 33.- When convenient to modify the concession, the parties will endeavor to respect, as possible, the following:

- a) The concession's nature;
- b) The economic and technical conditions contractually agreed; and,
- c) The financial balance for both parties.

(Article 26° of Legislative Decree N° 758)

Article 34.- As from the concession contract execution and with the authorization of the grantor, the concessionaire may transfer the concession to another company, and with the same authorization, may furnish guarantee on its return regarding obligations derived from the concession itself and its exploitation. This will be a full assignment including all the grantor's rights and obligations.

(Article 28° of Leg. Decree N° 758, as amended by Legislative Decree N° 839)

Article 35.- The concessionaire will receive as compensation for the public works and services it exploits, the tariff, price, and highway tolls or other investment recovery mechanisms established, as well as the additional benefits expressly agreed upon in the contract, such as concessions for tourist services, self-services, advertising and others. The concession contract will establish accordingly the mechanisms securing the concessionaire's the receipt of income from tariffs, prices, and highway tolls or other investment recovery systems, pursuant to the concession's nature. The concessionaire may not establish exemptions in favor of any user.

(Article 29° of Legislative Decree N° 758)

Article 36.- The construction, repair and conservation stage will be subject to the following regime:

- a) Water, mines or materials that may appear as a result of the execution of public works, will not be considered as included in the concession, and their utilization by the concessionaire will be governed by legislation on that matter.
- b) The construction, repair and conservation of the works may not interrupt the transit of existing roads or routes. When the interruption is essential, the concessionaire will be bound to open adequate provisional transit routes.
- c) When the default of partial or total terms results from an action or omission by the grantor, such terms will be understood as extended during a period equal to the delay or breakdown, without prejudice of the appropriate compensations.

(Article 30° of Leg. Decree N° 758, as amended by Leg. Decree N° 839)

Article 37.- The exploitation stage will be subject to the following regime:

- a) The concessionaire should preserve the public works, its access routes, signaling and services under regular use conditions.
- b) The service will be supplied on a continuous basis, the concessionaire being bound to:

I) Facilitate under absolutely regular conditions, eliminating causes generating disturbances, discomfort, inconvenience or excessive risks except when the adoption of measures altering the service's regular supply are due to security or urgent repair reasons; and,

II) Supply it uninterruptedly, except for exceptional situations resulting from an act of god or force majeure.

(Article 31° of Leg. Decree N° 758)

Article 38.- The concession will be interrupted as a result of the following causes:

- a) In case of foreign war, civil war or force majeure preventing the execution of the works or service supply;
- b) When the partial destruction of the public works or its elements occurs in such a manner that its utilization is rendered impossible for a certain period, under the terms indicated in the corresponding contract; and,
- c) Any other cause agreed upon in the contract.

The interruption will extend the concession term for a period equivalent to the cause motivating it.

(Article 33° of Leg. Decree N°758)

Article 39.- The concession will lapse as a result of the following causes;

- a) Expiration of the term during which it was granted;
- b) Default of the concessionaire's obligations which violation is expressly regulated as a cause for lapsing in the appropriate contract;
- c) Agreement between the State and the concessionaire;
- d) Total destruction of the works; and,
- e) Other causes stipulated in the agreement.

(Article 34° of Leg. Decree N° 758)

CHAPTER VI INITIATIVES

Article 40.- The local or foreign companies may only file before PROMCEPRI, as suggestions, general guidelines allowing such Commission to be informed on the possible infrastructure or utilities public works subject to be granted under concession to the private sector, pursuant to the provisions of this Single Uniform Text*. Once such suggestions have been analyzed, and prior favorable opinion from the respective Special Committee, which will introduce the extensions or amendments and decisions deemed convenient thereby, the referred projects may eventually become subject to the private investment promotion procedures within the framework of this Single Uniform Text*. The receipt, analysis, extensions or amendments and decisions which may be adopted by PROMCEPRI regarding such suggestions, do not establish

any commitment whatsoever with the people who filed the respective suggestion, in future summons for Competitive Biddings or Invitations to Tender.

(Article 11° of Leg. Decree N° 758, amended by the first paragraph of Article 12° of Legislative Decree N° 839).

* (The text of Article 11° of Leg. Decree N°758, amended by the first paragraph of Article 12° of Legislative Decree N° 839 says: “ hereof [of this Legislative Decree]”).

TITLE V SUPPLEMENTARY PROVISIONS

One.- In the cases determined by the Private Investment Promotion Commission – COPRI, by agreement ratified by Supreme Resolution, PROMCEPRI will be in charge of those processes in which the form of private investment promotion in the appropriate State-owned company is that of concession, assignment in use, lease, management contracts or others referred to in section c of Article 2° of Legislative Decree N° 674, with the same powers and functions which correspond to COPRI pursuant thereto. The necessary regulations in order to apply the provisions of the foregoing paragraph will be enacted by Supreme Decree.

(First Supplementary Provision of Legislative Decree N° 839)

Two.- Upon the concessionaire’s request or by administrative initiative, the competent authorities may make effective the warnings and penalties corresponding to the users of the service or public works subject matter of the concession, within the terms of the appropriate legal regulations and concession contract provisions.

(Second Supplementary Provision of Legislative Decree N° 839)

Three.- PROMCEPRI, its Management Office and Special Committee workers will be subject to the private activity labor regime.

(Eighth Supplementary Provision of Leg. Decree N° 839)

Four.- The Private Concession Promotion Commission –PROMCEPRI is hereby included in the Budget of the Presidency of the Council of Ministers.

(First paragraph of Article 5° of Leg. Decree N° 839)

TITLE VI TRANSITORY PROVISIONS

One.- By Supreme Decree, countersigned by the Minister of Economy and Finance, the necessary budget regulations to adapt the provisions of the Fourth Supplementary Provision* to the Republic’s General Budget regulations, as well as those required for budget transfers allowing PROMCEPRI to comply with its objectives and functions.

(Second paragraph of Article 5° of Leg. Decree N° 839)

* (The text of the second paragraph of Article 5° of Leg. Decree N°839 says: “of the foregoing paragraph”)

Two.- The provisions of Articles 20°, 21° and 22° of this Single Uniform Text will become effective as of the day following the publication of the appropriate legal regulations, to be approved by Supreme Decree countersigned by the President of the Council of Ministers and the Minister of Economy and Finance.

(Seventh Supplementary Provision of Leg. Decree N° 839)

TITLE VII FINAL PROVISIONS

One.- In the case of infrastructure public works referred to inter-province and inter-district urban routes, the granting in concession to the private sector by PROMCEPRI, under the mechanisms established in this Single Uniform Text*, should be made by coordinating with the appropriate Municipalities.

The form and mechanisms, under which such coordination will take place, will be established by Supreme Decree countersigned by the President of the Council of Ministers.

(First Final and Transitory Provision of Leg. Decree N° 839)

*(The text of the First Final and Transitory Provision of Leg. Decree N° 839 says: “in this Legislative Decree”).

Two.- The Municipalities exercise the competence and functions referred to in the first paragraph of Article 5°* and sections 1, 2 and other pertinent ones of Article 6°** of this Single Uniform Text***, regarding the granting in concession to the private sector of the infrastructure and utilities public works of municipal competence other than the ones indicated in the foregoing Provision.

For this purpose, the mechanisms and procedures established in Titles IV, V and VII**** of this Single Uniform Text*****, and Supreme Decree N° 189-92-PCM, are applicable provided that they do not oppose this Single Uniform Text***.

(Second Final and Transitory Provision of Leg. Decree N° 839)

*(The text of the Second Final and Transitory Provision of Leg. Decree N° 839 says: “4°”)

** (The text of the Second Final and Transitory Provision of Leg. Decree N° 839 says: “6°”)

*** (The text of the Second Final and Transitory Provision of Leg. Decree N° 839 says: “hereof [of this Legislative Decree]/ hereto”)

**** (The text of the Second Final and Transitory Provision of Leg. Decree N° 839 says: “Titles IV, V y VI”)

***** (The text of the Second Final and Transitory Provision of Leg. Decree N° 839 says: “Legislative Decree and Legislative Decree N°758”).

Three.- Supreme Decree N° 189-92-PCM* is applicable provided that they do not oppose the provisions of this Single Uniform Text **.

The Articles included in the Second Chapter – Initiatives – of Supreme Decree N° 189-92 – PCM, are amended provided that they do not oppose the new text of Article 11° of Legislative Decree N° 758, amended by Article 12° of Legislative Decree N° 839***.

(Third Final and Transitory Provision of Leg. Decree N° 839; and, second paragraph of Article 12° of Leg. Decree N° 839).

*(The text of the Second Final and Transitory Provision of Leg. Decree N° 839 says: “Legislative Decree N° 758 and Supreme Decree N° 189-92-PCM are applicable provided that they do not oppose the provisions hereof”).

** (The text of Article 11° of Leg. Decree N° 758, amended by Article 12° of Leg. Decree N° 839 says: “hereof [of this Legislative Decree]”)

*** (The text of Article 11° of Leg. Decree N° 758, amended by Article 12° of Leg. Decree N° 839 says: “the new text of Article 11° of Legislative Decree N° 758”)

Four.- All on-going proceedings pursuant to the provisions of Legislative Decree N° 758 and Supreme Decree N° 189-92-PCM, are suspended to be initiated under the mechanisms, procedures and benefits foreseen in this Single Uniform Text*.

(Fourth Final and Transitory Provision of Leg. Decree N° 839).

** (The text of the Fourth Transitory and Final Provision of Leg. Decree N° 839 says: “herein [in this Legislative Decree]”)

Five.- The regulations opposing this Single Uniform Text are hereby annulled.*

(Sixth Final and Transitory Provision of Leg. Decree N° 839).

*(The text of the Sixth Transitory and Final Provision of Leg. Decree N° 839 says: “Single Uniform Text”).