**PPP (PUBLIC-PRIVATE PARTNERSHIP) PROJECTS**

**PREPARATION AND IMPLEMENTATION:**

**PRACTICAL ASPECTS**

**Midterm Exam**

**Questions and Answers (Q&A)**

**Overview of the PPP Development in the Kyrgyz Republic**

**Assignment**

The client of your law firm is the National Center for the Public-Private Partnership[[1]](#footnote-1) located in Moscow, Russia (the “**Russian PPP Center**” or “**Client**”). The Russian PPP Center is collecting information about the PPP development in the Eurasian Economic Union member states and is going to collect information about Kyrgyzstan. The Russian PPP Center has applied to your law firm with the following questions.

**Please provide your answers to the Client’s questions with references to sources of information (please review all the previous materials, including: laws, regulations, articles, in-class presentations, etc.) in the footnotes**.

**Format**

* Times New Roman: Body Text – 12, Footnotes – 10;
* Alignment of the text – Justified;
* Line Spacing of a Paragraph – Single;
* Numbering (if any) – Automatic;
* **Number of Pages**:
  + Overview of the PPP Development in the Kyrgyz Republic – 5-8 A4 pages;
  + Comparison Table on differences between the PPP Law 2019 and PPP Law 2012 (please see the Annex)– 5-7 A4 pages.

**Overview of the PPP Development in the Kyrgyz Republic**

**Questions and Answers (Q&A)**

1. **What is the definition of PPP according to the legislation of the Kyrgyz Republic (the “Kyrgyz Laws”)? What international definitions provided by international organizations do the Kyrgyz specialists use in their practice? Should Kyrgyzstan implement PPP projects? If yes, why?**

[…]

1. **Please provide definitions of any three (3) PPP models,** **which may apply in Kyrgyzstan**.

[…]

1. **What are the laws and regulations dealing with PPP in Kyrgyzstan?**

[…]

1. **Were there any recent amendments in the Kyrgyz Laws regarding PPP in 2019-2020? If yes, what was the reason for such changes (in your opinion)? We have heard that a new PPP Law was adopted in 2019. Please provide us with a comparison table on differences between the PPP Law 2019 and PPP Law 2012 as an annex to this Q&A document.**

[…]

1. **Does Kyrgyzstan have a PPP Development Program? If yes, please briefly describe what it is about.**

[…]

1. **What state bodies participate in PPP according to the Kyrgyz Laws? What are their powers in PPP?**

[…]

1. **What are the principles of PPP in Kyrgyzstan?**

[…]

1. **What are the areas where PPP may apply?**

[…]

1. **Does a public partner provide a private partner with any support? If yes, what are the types of such a support?**

[…]

1. **Does a public partner provide a private partner with any guarantees? If yes, what are the types of such guarantees?**

[…]

1. **If a public partner – for example, the Ministry of Health – wants to implement a PPP project – for example, to provide medical services, - what steps/actions should the public partner take according to the Kyrgyz Laws?**

[…]

1. **If a private partner wants to implement a PPP project, what steps/actions should the private partner take according to the Kyrgyz Laws?**

[…]

1. **Please provide general information about a PPP Agreement according to the Kyrgyz Laws.**

[…]

1. **What methods of dispute resolution are provided within the PPP stages?**

[…]

1. **We have heard about the PPP Dialysis Project implemented in Kyrgyzstan. Please provide a brief overview of this project.**

[…]

**ANNEX**

**KYRGYZ PPP LAW 2019 v. KYRGYZ PPP LAW 2012**

**COMPARISON TABLE**

**ON DIFFERENCES BETWEEN THE PPP LAWS**

|  |  |  |
| --- | --- | --- |
| **No.** | **Kyrgyz PPP Law 2019** | **Kyrgyz PPP Law 2012** |
|  | **[Example]**  **Article 1. Basic terms in this Law**  Definition of ‘**public partner**’ includes new types of legal entities, such as state and municipal institutions and joint-stock companies with 50% and more of voting shares belonging to the state; and allows several executive state bodies and local self-government bodies to act as a public partner in a PPP project.  Public partner - **one or several** executive state bodies; one or several executive local self-government bodies; state and municipal enterprises and **institutions**; **joint-stock companies with 50% and more of voting shares belonging to the state**; | **Article 1. Basic terms used in this Law**  Public partner means executive state bodies, including ministries, state committees, administrative departments, and local state administrations, as well as executive local self-government bodies and municipal enterprises; |
|  | **Article 2. Legislation of the Kyrgyz Republic on PPP**  […] | **Article 2. PPP legislation of the Kyrgyz Republic**  […] |
|  | **Article 3. Application of PPP**  […] | **Article 3. Application of PPP**  […] |
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1. You may find information about the Russian PPP Center on its website: <https://pppcenter.ru/o-tsentre/>.

   For your information please also refer to the website of the Kyrgyz PPP Center: <http://www.ppp.gov.kg/>. [↑](#footnote-ref-1)