



PPP MODELS. KYRGYZ PPP LAW 2012 (REPEALED)

**PPP PROJECTS PREPARATION AND IMPLEMENTATION:
PRACTICAL ASPECTS**

PPP MODELS

- **Build-and-Transfer** – BT –
Строительство и передача
- **Build-Lease-and-Transfer** – BLT –
Строительство, аренда и передача
- **Build-Operate-and-Transfer** – BOT –
Строительство, эксплуатация и передача

PPP MODELS

- **Build-Own-and-Operate** – BOO –
Строительство, владение и
эксплуатация
- **Build-Own-Operate-and-Transfer** –
BOOT – Строительство, владение,
эксплуатация и передача
- **Build-Transfer-and-Operate** – BTO –
Строительство, передача и эксплуатация

PPP MODELS

- **Contract-Add-and-Operate** – CAO – Соглашение о расширении и эксплуатации
- **Rehabilitate-Operate-and-Transfer** – ROT – Реконструкция, эксплуатация и передача
- **Rehabilitate-Lease-Transfer** – RLT – Реконструкция, аренда, передача
- **Design-Build-Finance-Operate-Maintain** – DBFOM – Проектирование, строительство, финансирование, эксплуатация и обслуживание.

KYRGYZ PPP LAW 2012: CONCEPTS

- **Public-Private Partnership (PPP)**
- **State/ Government guarantees**
- **State/ Government support/ assistance
(financial, economic)**
- **Infrastructure services**
- **Infrastructure facility/ asset**

KYRGYZ PPP LAW 2012: CONCEPTS

- **PPP project**
- **Project company – SPV (special purpose vehicle)/ SPC (- company)/ SPE (- entity)**
- **PPP agreement**
- **Minimum requirements for a PPP project**
- **Technical and economic assessment/ project feasibility study/ feasibility report**

KYRGYZ PPP LAW 2012: CONCEPTS

- **Special funds**
- **PPP stages**
- **Tender documentation**
- **Private Partner**
- **Financial institution**

KYRGYZ PPP LAW 2012: CONCEPTS

- **Authorized state body** – Ministry of Economy
- **State body for risk management** – Ministry of Finance
- **Public Partner** – state executive bodies (ministries, state committees, administration offices and local public administrations), local executive self-government authorities, state and municipal enterprises.

KYRGYZ PPP LAW 2012: PPP LEGISLATION

- **Constitution of the Kyrgyz Republic (KR)**
- **Civil Code of the KR**
- **Kyrgyz PPP Law (2012/ 2019)**
- other laws and regulations adopted in accordance with the Kyrgyz PPP Law.

KYRGYZ PPP LAW 2012: AREA OF PPP APPLICATION

- Generation, transmission and distribution of electric and thermal power
- Processing, storage, transportation, transmission and distribution of oil and natural gas
- Automobile, railway, water, air, urban electric transport
- Roads and railways (including bridges and tunnels)
- Public utilities and public services

KYRGYZ PPP LAW 2012: AREA OF PPP APPLICATION

- Medical, medico-preventive and other activities in the health care system
- Education, upbringing, culture and social services
- Mobile and fixed communications and telecommunication services
- Tourism, recreation and sports
- Water resources.

KYRGYZ PPP LAW 2012: AREA OF PPP APPLICATION

PPP shall not apply to relationships associated with:

- the use of mineral resources,
- public procurement and
- privatization.

KYRGYZ PPP LAW 2012: PRINCIPLES OF PPP

- Rule of law
- Justice
- Transparency
- Competition
- Freedom of Contract
- Ecological safety.

KYRGYZ PPP LAW 2012: STATE FINANCIAL SUPPORT/ BACKING

- provision of loans on preferential terms necessary for PPP project implementation
- provision of loan/ credit (bank*) guarantees
- provision of guarantees securing performance of the public partner's obligations
- provision of tariff subsidies
- provision of the financial resources (partial financing) necessary for PPP project implementation

KYRGYZ PPP LAW 2012: STATE FINANCIAL SUPPORT/ BACKING

- granting tax benefits, and/or tax postponements, and/or payment of tax by installments on terms and conditions provided for in the legislation
- granting customs duties preferences, and/or postponements, and/or installments on terms and conditions provided for in the legislation
- providing guarantees of minimum profitability/ economic viability/ profit-making capacity of a project
- providing guarantees with regard to possible fluctuations of currency exchange rate and/or of interest rates on raised funds for the PPP project implementation.

KYRGYZ PPP LAW 2012: STATE ECONOMIC SUPPORT/ BACKING

- in addition to rights to an infrastructure asset, providing rights to other movable or immovable property in accordance with the legislation
- assisting in obtaining licenses, permits, approvals
- providing easements in respect of publicly and/or municipally owned movable or immovable property

KYRGYZ PPP LAW 2012: STATE ECONOMIC SUPPORT/ BACKING

- granting the right to collect tariffs and to generate revenues from other types of activities not directly associated with the PPP project implementation
- setting discounted rental payments for use of the publicly and/or municipally owned property
- granting of exclusive rights to be engaged in the activity in the framework of the concluded PPP agreement in accordance with the legislation.

KYRGYZ PPP LAW 2012: STATE GUARANTEES

- non-interference by the public partner with the business of the private partner and project company, except as stipulated in the PPP agreement and by the legislation
- protection of the property of the private partner and project company from nationalization or any other measure of similar effect in the manner envisaged by the legislation

KYRGYZ PPP LAW 2012: STATE GUARANTEES

- the right to freedom of ownership, use and disposal of the investments made in the PPP project and the revenues and profits received from such investments for the purposes not prohibited by the legislation
- the right to free convertibility of the national currency of the KR into any other foreign currency and free export or repatriation of the currency received as a result of the PPP project implementation

KYRGYZ PPP LAW 2012: STATE GUARANTEES

- the right to recover losses incurred as a result of unlawful action (inaction) of public and/or municipal authorities or their officials, which caused damages to the private partner and/or project company, in accordance with the conditions of the PPP agreement
- the right to review the terms and conditions of the PPP agreement or early termination of the PPP agreement, and to obtain redress for damages caused by the adoption of regulatory legal acts entailing worse conditions for the PPP project implementation by the private partner and/or project company in comparison to the terms of the PPP agreement.

KYRGYZ PPP LAW 2012: STAGES OF A PPP PROJECT

