

Ordinance on the Terms and Procedure for Planning and the Criteria for Inclusion of Public-Private Partnership Projects in the Operational Plan and in the Municipal Development Plan Implementation Programme

Adopted by Council of Ministers Decree No. 6 of 10 January 2013, promulgated in the *State Gazette* No. 5 of 18 January 2013 (effective 1 January 2013)

Chapter One GENERAL DISPOSITIONS

Article 1. (1) This Ordinance regulates the terms and procedure for planning and the criteria for inclusion of public-private partnership (PPP) projects in the Operational Plan referred to in Article 15 of the Public-Private Partnership Act, hereinafter referred to as “the Act”, and in the municipal development plan implementation programme referred to in Article 18 of the Act.

(2) The terms and procedure for inclusion of projects in the Operational Plan and in the municipal development plan implementation programme, as well as for the updating of the said plan and programme, shall be established by the regulations for application of the Act in conformity with the criteria indicated in the Ordinance.

Chapter Two OPERATIONAL PLAN

Article 2. (1) The operational plan shall be developed in accordance with the objectives and priorities set in the National PPP Programme, for each programming period disaggregated by year and shall contain the State PPP projects and the PPP projects of State bodies governed by public law, the deadlines for completion of the projects and the funds necessary for the implementation of the said projects, specifying the form, amount and schedule for provision of the financial support for the entire duration of the PPP projects.

(2) The Operational Plan shall be approved by the Council of Ministers on a motion by the Minister of Finance within six months prior to the starting date of the respective programming period.

(3) The Operational Plan may be modified and/or updated within the framework of the budgeting procedure for the respective year.

Chapter Three MUNICIPAL DEVELOPMENT PLAN IMPLEMENTATION PROGRAMME

Article 3. (1) The municipal development plan implementation programme, developed in pursuance of Item 7 of Article 13(2) of the Regional Development Act, shall include, in a separate section, the municipal PPPs, the deadlines for the completion thereof disaggregated by stage, as well as the form and amount of financial support for each particular project. The Programme shall furthermore include the PPP projects of the municipal bodies governed by public law.

(2) The municipal development plan implementation programme may be amended and/or updated in the part on PPP by resolution of the municipal council.

Chapter Four

CRITERIA FOR INCLUSION OF PPP PROJECTS

Article 4. (1) Upon inclusion of PPP projects in the Operational Programme and in the municipal development plan implementation programme, the following criteria shall apply:

1. conditionality on the National PPP Programme or, respectively, on the municipal development plan;
2. socio-economic benefits from the implementation of the project;
3. better value for money from invested public funds;
4. amount and form of financial support, amount of the costs of preparatory steps and affordability to the budget;
5. degree of readiness for implementation of the project.

(2) The weight of each of the criteria shall be determined for each programming period as an element of the National PPP Programme or, respectively, of the municipal development plan.

FINAL PROVISION

Sole Paragraph. This Ordinance is adopted in pursuance of Article 22 of the Public-Private Partnership Act.