



**Council of Ministers
of the Republic of Belarus**

Resolution

No. 532 of 6 July 2016

Minsk

On Measures to Implement Law of
the Republic of Belarus of
30 December 2015 *On Public-Private
Partnership*

In accordance with the Law of the Republic of Belarus of
30 December 2015 *On Public-Private Partnership*, the Council of Ministers of
the Republic of Belarus RESOLVES:

1. To approve the attached:

Regulations on Procedure of Preparation, Examination, and Evaluation of
Public-Private Partnership Project Implementation Proposals;

Regulations on Procedure of Arranging and Holding Tenders to Select
Private Partner to Enter into Public-Private Partnership Agreement; and

Regulations on Procedure of Maintaining State Register of Public-Private
Partnership Agreements.

2. The Ministry of Economy shall take measures to implement this
Resolution.

3. This Resolution shall come into force following its official publication.

First Deputy
Prime Minister
of the Republic of Belarus



V. Matushevskii

Approved
by Resolution
of the Council of Ministers
of the Republic of Belarus
No. 532 of 6 July 2016

Regulations on Procedure of Preparation, Examination, and Evaluation of Public-Private Partnership Project Implementation Proposals

CHAPTER 1 General Provisions

1. These Regulations define the procedure of preparation, examination, and evaluation of public-private partnership project implementation proposals.

2. For the purposes of these Regulations, the terms and their definitions as established in the Law of the Republic of Belarus of 30 December 2015 *On Public-Private Partnership* (National Legal Internet Portal of the Republic of Belarus, 1 January 2016, 2/2340), as well as the following terms and their definitions shall be used:

the state sponsor is a republican or local body initiating a public-private partnership project;

the body concerned is a republican or local body interested in implementation of the public-private partnership project initiated by the private sponsor, whose terms of reference cover the issues related to manufacturing goods (performing work, providing services) in the framework of this project;

a local body is one of the local executive and administrative bodies;

a republican body is one of the state bodies and other state organisations subordinated to the President of the Republic of Belarus, republican government bodies and other state organisations subordinated to the Government of the Republic of Belarus;

the comparative advantage is a comparison of budget expenditures incurred if the public-private partnership project is fully financed with budget resources or with mobilised external government loans, external guaranteed loans (if those are repaid with budget resources) and budget expenditures incurred if the project is implemented with engagement of a private partner with unchanged volumes, prices, characteristics, and quality of goods (work, services);

the private sponsor is a legal entity, foreign organisation that is not a legal entity, individual entrepreneur initiating the public-private partnership project;

the public-private partnership project efficiency is the outcome generated as a result of the public-private partnership project implementation and defined as the ratio of its incomes and costs, including a framework of indicators, *inter alia* project financial and / or social and economic performance indicators.

3. The preparation of a public-private partnership project implementation proposal (hereinafter referred to as the proposal) by the state and private sponsors shall consist of two stages:

developing the concept of the public-private partnership project (hereinafter referred to as the project concept) in accordance with the requirements established by the Ministry of Economy; and

preparing the documents specified in paragraph 24 of these Regulations (hereinafter referred to as the proposal documents).

4. The project concept shall be developed based on preliminary analysis of social-and-economic, technical, financial-and-economic, environmental, legal, and organisational aspects of public-private partnership project implementation, including preparation of a preliminary assessment of efficiency of its implementation.

The proposal documents shall be prepared based on a detailed review of technical, financial-and-economic, legal, environmental, social-and-economic, and organisational aspects of public-private partnership project implementation, including calculations of efficiency of its implementation and identification of its comparative advantage.

5. The state sponsor shall prepare the proposal either independently, or with support of consultants.

Engagement of consultants, using resources of the republican and / or local budgets, shall be arranged in accordance with the public procurement legislation. The Ministry of Economy shall be authorised to recommend criteria to assess and compare proposals of bidders – potential providers of consultancy services, *inter alia* those related to their qualifications, with these criteria to be included in tender documents by state sponsors, which act as customers in the framework of public procurement of such services.

The private sponsor shall prepare the proposal using its own resources or other sources in accordance with the legislation.

6. When preparing a proposal, the state and private sponsors—or the body concerned, when evaluating a proposal—shall be authorised to request information essential for its preparation (evaluation) from republican and / or local bodies, taking into account the status of such information as viewed by the law.

7. Banks and non-bank credit-and-financial organisations, and other organisations interested in public-private partnership project financing and implementation, can participate in discussing the proposal.

To this end, the state sponsor or the body concerned shall post on its

official website:

information about the proposal discussion with an invitation to participate in the discussion; and

proposal discussion results (not mentioning discussion participants).

8. Proposal evaluation shall be performed based on the methodology of public-private partnership project implementation proposal evaluation developed by the Ministry of Economy.

CHAPTER 2

Public-Private Partnership Project Selection by State Sponsor

9. The state sponsor can select a project to analyse the prospects of its implementation as a public-private partnership project in accordance with a public-private partnership agreement if the following conditions are met:

the project is consistent with the objectives and tasks of the public-private partnership;

a land plot can be provided to the private partner (if needed) to place the infrastructure;

the infrastructure, other immovable and / or moveable property in republican or municipal ownership, exclusive intellectual property rights, needed to fulfil obligations fixed in the public-private partnership agreement, can be transferred to the private partner for possession, use, including free-of-charge use (hereinafter referred to as transfer of property to the private partner);

a private partner can be engaged in the public-private partnership project implementation; and

there are no public-private partnership agreements, investment contracts with the Republic of Belarus, and / or concession contracts entered into in relation to the infrastructure.

The state sponsor shall be authorised to select a project aimed at achieving the objectives of a state or another programme and / or providing for the development of infrastructure projects included into the National Infrastructure Strategy approved by the Interagency Infrastructure Steering Board created by Resolution of the Council of Ministers of the Republic of Belarus No. 508 of 27 May 2014 *On Interagency Infrastructure Steering Board* (National Legal Internet Portal of the Republic of Belarus, 4 June 2014, 5/38933) (hereinafter referred to as the Interagency Steering Board), to be implemented as a public-private partnership project.

10. Having selected a public-private partnership project in accordance with paragraph 9 of these Regulations, the state sponsor shall make a decision on developing the project concept, including the timeline for its development and those responsible for its development.

CHAPTER 3
Examination by Body Concerned of Project Concept Developed by Private Sponsor

11. The project concept developed and approved by the private sponsor shall be presented to the body concerned.

The body concerned shall evaluate the project concept developed by the private sponsor, *inter alia* being guided by the following criteria:

the public-private partnership project is consistent with the objectives and tasks of the public-private partnership;

the public-private partnership project is aimed at improving the quality of public services or expanding their volume;

the public-private partnership project implementation will generate positive environmental and / or social-and-economic effects; and

support will be provided to the body concerned to ensure more efficient performance of the functions assigned thereto.

12. Based on the results of examination of a project concept developed by the private sponsor, the body concerned shall make a decision to accept or reject it. A relevant notification shall be sent to the private sponsor. If a project concept is rejected, the notification shall specify the grounds for such rejection.

The period of time for examination by the body concerned of the project concept presented by the private sponsor, including preparation of the decisions specified in part one of this paragraph, shall not exceed 20 working days.

13. The grounds for the body concerned to reject a project concept developed by the private sponsor shall include the following:

the project concept is not consistent with the requirements established by the Ministry of Economy (except for errors, including arithmetic ones, inaccuracies, which shall be eliminated by the private sponsor on instruction of the body concerned);

the public-private partnership project is not consistent with the objectives and tasks of the public-private partnership;

there is no need to build and / or reconstruct, renovate, repair or modernise the infrastructure specified in the project concept;

operation and / or maintenance and / or transfer of property in republican or municipal ownership, exclusive intellectual property rights specified in the project concept to the private partner is not allowed in accordance with acts of the legislation;

there are public-private partnership agreements, or investment contracts with the Republic of Belarus, or concession contracts entered into in relation to the infrastructure specified in the project concept or entering into public-private partnership agreements is not allowed;

third parties have property rights to the infrastructure specified in the project concept;

a land plot to place the infrastructure specified in the project concept cannot be allocated (if it is necessary to allocate such a land plot); and

there is other substantiated evidence of inadvisability of the public-private partnership project implementation.

CHAPTER 4

Project Concept Clearance and Evaluation, Making Decisions on Developing Proposal Documents

14. The project concept shall be sent by the state sponsor or the body concerned (if it is accepted) to the following republican government bodies, other state organisations subordinated to the Government of the Republic of Belarus, local executive and administrative bodies (hereinafter referred to as the government bodies) for clearance in accordance with their terms of reference:

14.1. the Ministry of Economy and the Ministry of Finance – if the public-private partnership project is to be financed (at any stage of its implementation) using republican budget resources;

14.2. the State Property Committee – if decisions are to be made (cleared) on providing land plots to the private partner, transfer of property in republican ownership to the private partner for the purposes of the public-private partnership project implementation;

14.3. the Ministry of Natural Resources and Environmental Protection – if the public-private partnership project involves issues of environmental security, environmental protection, and use of natural resources, including mineral resources, impacts on the climate and ozone layer;

14.4. the Ministry of Energy and / or State Committee for Standardisation – if the public-private partnership project involves construction, reconstruction, or modernisation of electricity and heat generation sources;

14.5. oblast, Minsk city executive committees – if the state sponsor or the body concerned is:

a republican body and the public-private partnership project is to be financed (at any stage of its implementation) using local budget resources, as well as if decisions are to be made (cleared) on providing land plots to the private partner, transfer of property in municipal ownership to the private partner; and

a local body of the primary or basic territorial level;

14.6. the government body authorised to implement price and anti-trust policies; and

14.7. other government bodies, including the responsible customer of the relevant state programme, whose terms of reference cover issues related to the public-private partnership project implementation.

15. Within their terms of reference, the government bodies shall clear—or reject, based on substantiated criticism and / or proposals—the project concept, *inter alia* taking into account its consistency with the conditions specified in paragraph 9 of these Regulations, within a period of up to 10 working days following the receipt of the project concept.

If the government bodies have critical comments and / or proposals concerning the project concept, the state or private sponsor, in cooperation with the body concerned, shall ensure improvement of the project concept and draft a certificate of project concept clearance.

16. Having received the government bodies' clearance (rejection) of the project concept and having improved the project concept (if needed), the state sponsor or the body concerned shall send the project concept and the certificate of project concept clearance to the state institutions *National Agency of Investment and Privatisation* (hereinafter referred to as the organisation responsible for public-private partnership development).

Having received the documents specified in part one of this paragraph, the organisation responsible for public-private partnership development shall:

evaluate the project concept in accordance with the objectives and tasks of the public-private partnership, as well as the criteria specified in paragraph 18 of these Regulations;

have the right to request additional information from the state sponsor or the body concerned for the purposes of preparing a project concept evaluation report; and

prepare a project concept evaluation report (either positive or negative).

17. The organisation responsible for public-private partnership development shall prepare the project concept evaluation report within a period of up to 15 working days following the date, on which this organisation receives the documents specified in part one of paragraph 16 of these Regulations.

18. The organisation responsible for public-private partnership development can be guided by the following criteria in evaluating the project concept:

the technical, financial, organisational, and legal capacities of the state or private sponsor available to implement the public-private partnership project;

justification of proposed obligations of the state and private partners; and

adequate allocation of anticipated risks between the state and the private partners.

19. A negative project concept evaluation report can be prepared by the organisation responsible for public-private partnership development for the following reasons:

the project concept is not consistent with the requirements established by the Ministry of Economy (except for errors, including arithmetic ones, inaccuracies, which shall be eliminated by the state or the private sponsor on instruction of the organisation responsible for public-private partnership development);

third parties have property rights to the infrastructure specified in the project concept;

the land plot cannot be provided to the private partner for the purposes of the public-private partnership project implementation or the property in republican or municipal ownership cannot be transferred to the private partner, if it is necessary to allocate such a land plot (transfer such property);

there are insufficient / no resources for the public-private partnership project implementation in accordance with the budget legislation of the Republic of Belarus, if resources are to be allocated from the republican and / or local budgets for the purposes of its implementation; and

there is other substantiated evidence of inadvisability of the public-private partnership project implementation.

Based on the reason specified in indentation two, part one of this paragraph, the organisation responsible for public-private partnership development shall be authorised to prepare a negative project concept evaluation report without performing the project concept evaluation in accordance with the criteria specified in paragraph 18 of these Regulations.

20. The project concept evaluation report shall be signed by the head (deputy head) of the organisation responsible for public-private partnership development and sent within three working days to the state sponsor or the body concerned, with a copy – to the private sponsor, if the project concept was developed by the private sponsor.

21. If the project concept evaluation report is positive, the state sponsor or the body concerned shall—within five working days—send the project concept to the Ministry of Economy to be presented for examination by the Interagency Steering Board.

The project concept sent to the Ministry of Economy shall be accompanied by the following documents:

a letter listing the issues presented for examination by the Interagency Steering Board;

the project concept evaluation report; and

a draft decision of the Interagency Steering Board.

22. Having checked the documents specified in paragraph 21 of these Regulations, the Ministry of Economy shall take actions—in accordance with the

rules of the Interagency Steering Board—to present the documents for examination by the Interagency Steering Board.

Based on the results of examination of the documents presented, the Interagency Steering Board shall take one of the following decisions:

to approve the project concept and recommend to develop the proposal documents—with organisational and other recommendations specified, if needed;

to propose to the state sponsor or the body concerned to improve the project concept, with the critical comments and timeline for re-submission of the project concept for examination by the Interagency Steering Board specified; and

to recommend to suspend or stop further development of the public-private partnership project.

If the Interagency Steering Board takes the decision specified in indentation three, part two of this paragraph, the state or the private sponsor, in cooperation with the body concerned—if the project concept was developed by the private sponsor—shall ensure improvement of the project concept.

23. After the project concept is accepted by the Interagency Steering Board:

23.1. the state sponsor shall:

approve a schedule for the development of proposal documents and ensure their development;

approve the composition of the project management unit responsible for managing the processes of public-private partnership project planning, implementation coordination, analysis, and adjustment (if needed), and designate its head;

post the project concept on its official website;

send information about the public-private partnership project to the organisation responsible for public-private partnership development to be posted on the official website of this organisation; and

take other organisational decisions related to the development of proposal documents;

23.2. the body concerned shall:

send a copy of the decision of the Interagency Steering Board to the private sponsor within a period of up to three working days following the receipt of this decision and ensure the development of proposal documents by the private sponsor;

post the project concept on its official website; and

send information about the public-private partnership project to the organisation responsible for public-private partnership development to be posted on the official website of this organisation; and

23.3. the private sponsor shall:

on clearance with the body concerned – approve a schedule for the development of proposal documents and prepare those documents, as well as approve the composition of the project management unit responsible for managing the processes of public-private partnership project planning, implementation coordination, analysis, and adjustment (if needed), and designate its head; and

take other organisational decisions related to the development of proposal documents.

CHAPTER 5

Development of Proposal Documents

24. Proposal documents shall include:

24.1. a feasibility study (*inter alia* including the public-private partnership project financial model), the requirements to which are established by the Ministry of Economy (hereinafter referred to as the feasibility study);

24.2. the public-private partnership project data sheet in the form established by the Ministry of Economy (hereinafter referred to as the public-private partnership project data sheet); and

24.3. the draft public-private partnership agreement.

25. The feasibility study shall be prepared in accordance with the project concept accepted by decision of the Interagency Steering Board, *inter alia* taking into account the recommendations specified in the decision of the Interagency Steering Board.

26. The development of proposal documents shall include:

preparation of the terms of reference to hire consultants for the preparation of the proposals specified in paragraph 5 of these Regulations (if hiring consultants is needed);

detailed development of the social-and-economic, technical, financial-and-economic, environmental, legal, and organisational aspects of the public-private partnership project implementation;

preparation of the pre-project (pre-investment) documentation for infrastructure construction, reconstruction, and renovation, if its preparation is required in accordance with the legislation in the area of construction;

public consultations on the public-private partnership project (except for cases of entering into a public-private partnership agreement in relation to infrastructure, other property, information on which is classified as information, dissemination and / or provision of which is limited) to strengthen the public awareness and capture the public opinion on the public-private partnership project;

definition of public-private partnership project performance indicators and its comparative advantage, as well as the terms and conditions of the tender

to select the private partner to enter into the public-private partnership agreement, which are to be included in the tender documents;

drafting the public-private partnership agreement; and

drafting the decision on the public-private partnership project implementation in accordance with Article 16 of the Law of the Republic of Belarus 2015 *On Public-Private Partnership* (hereinafter referred to as the draft decision on the public-private partnership project implementation).

CHAPTER 6

Examination of Private Sponsor's Proposal by Body Concerned

27. Having received the proposal documents of the private sponsor, the body concerned must examine them.

28. When examining the proposal documents of the private sponsor, the body concerned shall be authorised to:

request additional materials from the private sponsor, as well as information from government bodies – on issues within their terms of reference in the framework of the public-private partnership project proposed for implementation; and

negotiate amendments to the terms and conditions (contents) of the proposal documents with the private sponsor, *inter alia* in the form of joint meetings (hereinafter referred to as negotiations).

The government bodies, as well as the private sponsor must provide the additional materials, information specified in indentation two, part one of this paragraph, within the period of five working days.

29. The terms and conditions (contents) of the proposal documents provided by the private sponsor can be amended thereby based on the results of their examination by the body concerned and negotiations held.

Decisions made based on the results of negotiations on amending the terms and conditions (contents) of the proposal documents shall be formalised as minutes to be signed by the body concerned and the private sponsor (hereinafter referred to as the negotiation minutes). The negotiation minutes shall be produced in two copies.

30. Based on the results of the examination of proposal documents and taking into account the negotiation minutes, the body concerned shall take a decision to support the public-private partnership project or reject it as impossible.

31. The decision of the body concerned to reject the public-private partnership project as impossible based on the proposal documents provided by the private sponsor must be motivated and can be taken for the following reasons:

the feasibility study is not consistent with the requirements established by the Ministry of Economy, the public-private partnership project data sheet is not consistent with the form established by that Ministry (except for errors, including arithmetic ones, inaccuracies, which shall be eliminated by the private sponsor on instruction of the body concerned);

the private sponsor refused to negotiate or sign the negotiation minutes, or the parties did not reach an agreement as a result of negotiations on amending the terms and conditions (contents) of the proposal documents, *inter alia* due to lack (insufficiency) of resources of the republican and / or local budgets to implement the public-private partnership project, if such resources are to be allocated, in accordance with the feasibility study, to implement this project in an amount above the one specified in the project concept.

32. If the public-private partnership project is supported, the body concerned shall:

clear the public-private partnership project data sheet;

clear the feasibility study; and

prepare a plan of cooperation with the private sponsor, including finalisation of the proposal documents, for the period of examination and evaluation of the proposal documents by the government bodies, the organisation responsible for public-private partnership development, and the Interagency Steering Board, which is to be signed by the body concerned and the private sponsor.

The period of examination of the proposal documents and their presentation by the body concerned to the government bodies to examine, evaluate the proposal and prepare relevant proposal evaluation reports shall not exceed 20 working days following the date the proposal documents are received by the body concerned.

CHAPTER 7

Proposal Examination, Evaluation, and Acceptance

33. The proposal documents shall be presented by the state sponsor or the body concerned—after it takes a decision to support the public-private partnership project—to the government bodies to examine and evaluate the proposal and prepare its evaluation report.

34. In examining and evaluating the proposal and preparing the proposal evaluation report, the government bodies can be guided by the following criteria:

34.1. the Ministry of Economy:

consistency of the public-private partnership project with the social and economic development priorities;

effects generated by the public-private partnership project implementation for the social and economic development of the republic (region, sector), meeting the indicators of the programme, under which the public-private partnership project is to be implemented;

substantiated definition of groups of consumers of the goods (work, services) produced (performed, provided) in the framework of the public-private partnership project implementation;

the public-private partnership project efficiency; and

the ability to fully (partially) finance the work related to infrastructure design, construction and / or reconstruction, renovation, repair, and modernisation provided for in the public-private partnership project within the limits of the republican budget resources allocated to fund public capital investments;

34.2. the Ministry of Finance:

the ability to allocate republican budget resources to finance expenses related to the public-private partnership project implementation; and

acceptable loan (credit) terms and conditions provided for under the public-private partnership project;

34.3. the State Property Committee: the ability to take out and provide relevant land plots to the private partner (including preliminary clearance of their location), transfer property in republican ownership to the private partner;

34.4. the Ministry of Natural Resources and Environmental Protection: compliance of the public-private partnership project with the legislation on environmental protection, efficient use of natural resources;

34.5. the Ministry of Energy and / or State Committee for Standardisation: the feasibility of construction, reconstruction, or modernisation of electricity and heat generation sources, *inter alia* taking into account the macroeconomic effect of their operation for the Republic of Belarus;

34.6. oblast, Minsk city executive committees:

the financial and / or social benefits of the public-private partnership project implementation and its consistency with the objectives of sustainable regional development;

the ability to allocate resources from the relevant local budgets to finance expenses related to the public-private partnership project implementation; and

the ability to take out and provide relevant land plots to the private partner (including preliminary clearance of their location), transfer property in municipal ownership and / or exclusive intellectual property rights, fully or partially created using budget resources, to the private partner; and

34.7. the government body authorised to implement price and anti-trust policies: compliance of provisions of the public-private partnership project with the price and anti-trust legislation of the Republic of Belarus.

The period of proposal examination and evaluation by the government bodies, as well as preparation of the relevant proposal evaluation report must not exceed 15 working days following the proposal document presentation.

35. Proposal evaluation reports shall be sent by the government bodies to the state sponsor or the body concerned.

36. If there are critical comments included in proposal evaluation reports prepared by the government bodies, the state sponsor or the body concerned shall hold a meeting with the government bodies, the private sponsor (if the proposal documents were developed by the private sponsor), as well as the organisation responsible for public-private partnership development and other bodies concerned (if needed); based on the results of the meeting, minutes shall be prepared to reflect those issues that require further finalisation (hereinafter referred to as the minutes of the meeting on critical comments of the government bodies).

The state sponsor or the body concerned shall arrange finalisation of the proposal documents in accordance with the minutes of the meeting on critical comments of the government bodies.

Proposal documents developed by the private sponsor must be finalised by the private sponsor with engagement of the body concerned.

37. Proposal documents, minutes of the meeting on critical comments of the government bodies (if any), as well as a copy of the relevant proposal evaluation reports of the government bodies, shall be sent by the state sponsor or the body concerned to the organisation responsible for public-private partnership development to evaluate the proposal and prepare a report on comprehensive evaluation of feasibility of the public-private partnership project implementation (hereinafter referred to as the proposal comprehensive evaluation report).

38. The organisation responsible for public-private partnership development can be guided by the following criteria in the process of proposal evaluation:

- consistency of the public-private partnership project with the social and economic development priorities;

- effects generated by the public-private partnership project implementation for the social and economic development of the republic (region, sector), meeting the indicators of the programme, under which the public-private partnership project is to be implemented;

- the public-private partnership project efficiency;

- consumers' demand for the goods (work, services) produced (performed, provided) in the framework of the public-private partnership project implementation, taking into account the results of market research concerning demand for such goods (work, services);

- stakeholders interested in the public-private partnership project implementation (potential private partners, creditors, and other stakeholders);

depth of the public-private partnership project development in the part of technologies used, technical and technological solutions, use of the land plot, raw materials, labour and other resources, environmental impact on the region where the public-private partnership project is to be implemented;

financial model adequacy, including substantiation of capital and other expenditures, sources of financing, sources of income and recovery of costs and other payments;

adequate allocation of expected risks associated with the public-private partnership project implementation between the state and the private partners; and
the comparative advantage.

39. The proposal comprehensive evaluation report can be positive or negative.

The organisation responsible for public-private partnership development can prepare a negative proposal comprehensive evaluation report for the following reasons:

the feasibility study is not consistent with the requirements established by the Ministry of Economy, and the public-private partnership project data sheet is not consistent with the form established by that Ministry (except for errors, including arithmetic ones, inaccuracies, which shall be eliminated by the private sponsor on instruction of the body concerned);

the environmental impact in case of the public-private partnership project implementation exceed the level permissible in accordance with the legislation on environmental protection, efficient use of natural resources;

the data and information reflected in the draft public-private partnership agreement are inconsistent with the data and information presented in the feasibility study;

the public-private partnership project efficiency and comparative advantage are not ensured;

according to the proposal evaluation report issued by the Ministry of Finance and / or oblast (Minsk city) executive committees, there are insufficient / no resources allocated from the republican and / or local budgets for the purposes of the public-private partnership project implementation; and

there is other substantiated evidence of inadvisability of the public-private partnership project implementation.

Based on the reasons specified in indentation two, part two of this paragraph, the organisation responsible for public-private partnership development shall be authorised to prepare a negative proposal comprehensive evaluation report without performing the proposal evaluation in accordance with the criteria specified in paragraph 38 of these Regulations, and send that to the state sponsor or the body concerned within a period of up to five working days following the receipt of the proposal documents.

The period of the proposal comprehensive evaluation report preparation must not exceed 30 working days following the receipt of the documents specified in paragraph 37 of these Regulations.

The proposal comprehensive evaluation report shall be sent to the state sponsor or the body concerned—with a copy of the evaluation report sent to the private sponsor—within a period of up to three working days following the date it is signed by the head (deputy head) of the organisation responsible for public-private partnership development.

40. Having received a positive proposal comprehensive evaluation report, the state sponsor or the body concerned shall:

40.1. prepare a package of documents to be examined by the Interagency Steering Board, including:

a letter summarising the issues presented for examination by the Interagency Steering Board;

a draft decision of the Interagency Steering Board to accept the proposal;

the public-private partnership project data sheet finalised based on the minutes of the meeting on critical comments of the government bodies (if any);

the proposal comprehensive evaluation report with opinions of the government bodies thereon attached;

a draft public-private partnership agreement;

a draft decision on the public-private partnership project implementation, *inter alia* assigning the authorised government body or state organisation in the area of public-private partnership and setting the key terms and conditions of the public-private partnership project;

a copy of the minutes of the meeting on critical comments of the government bodies (if any); and

other documents (if needed); and

40.2. send the package of documents specified in subparagraph 40.1 of this paragraph to the Ministry of Economy.

41. Having checked the package of documents specified in subparagraph 40.1, paragraph 40 of these Regulations, the Ministry of Economy shall ensure its presentation for examination by the Interagency Steering Board.

42. Based on the results of its examination of the package of documents specified in subparagraph 40.1, paragraph 40 of these Regulations, the Interagency Steering Board shall take one of the following decisions concerning the public-private partnership project:

to approve the proposal and recommend to adopt the draft decision on the public-private partnership project implementation;

to propose to the state sponsor or the body concerned to further improve the package of documents presented, specifying critical comments and deadlines for re-submission thereof for examination by the Interagency Steering Board; or

to recommend to the state sponsor or the body concerned to suspend (stop) preparation of the public-private partnership project.

After the proposal is accepted by the Interagency Steering Board, the key terms and conditions of the public-private partnership project shall not be subject to alterations by the state sponsor or the body concerned, except for cases when their alteration is accepted by the Interagency Steering Board.

43. After the proposal is accepted by the Interagency Steering Board, the state sponsor or the body concerned shall—within a period of up to 10 working days following the receipt of the decisions of the Interagency Steering Board to accept the proposal—take steps to present the draft decision on the public-private partnership project implementation following the procedure established by the legislation. The state sponsor or the body concerned shall attach the decision of the Interagency Steering Board to accept the proposal and the draft public-private partnership agreement to the abovementioned draft decision.

A public-private partnership project involving budget financing can be included into the relevant state programme in accordance with acts of the legislation.