



**PROCURING INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIPS 2018 IN  
BELARUS**

SURVEY QUESTION	ANALYSIS
<b>PPP Regulatory Framework</b>	
<b>2. Does the regulatory framework in your country allow procuring PPPs?</b>	Yes
<b>If yes, please specify the relevant regulatory framework and the year of adoption:</b>	<p>Belarus has recently developed a row of PPP laws and regulations, which have dramatically improved the country’s regulatory policy on PPPs. The Law “On Public Private Partnerships” of the Republic of Belarus No.345-3 dated December 30, 2015 (hereinafter “The PPP Law”) identifies PPPs in terms of projects related to infrastructural assets. Given our study assumptions which largely focus on a construction of an infrastructural asset, our analysis of the regulatory framework for infrastructure PPPs in Belarus will draw upon the new PPP-specific regulations, including:</p> <ol style="list-style-type: none"> <li>1. Law “On Public Private Partnerships” of the Republic of Belarus No.345-3 dated December 30, 2015 (hereinafter “The PPP Law”)</li> <li>2. Resolution of Council of Ministers No. 532 dated July 6, 2016 “On Measures to Implement Law of the Republic of Belarus of 30 December 2015 On Public-Private Partnership” (hereinafter “Resolution on Implementation”, which includes:               <ol style="list-style-type: none"> <li>2.1 Regulations on the Order of Preparation, Consideration and Evaluation of Proposals for Implementation of Projects of the Public-Private Partnership Regulation (hereinafter “Regulation on Preparation”)</li> <li>2.2 Regulations on Procedure of Arranging and Holding Tenders to Select Private Partner to Enter into Public-Private Partnership Agreement (hereinafter “Regulation on Tender”); and</li> <li>2.3 Regulations on Procedure of Maintaining State Register of Public-Private Partnership Agreements (hereinafter “Regulation on State Register”)</li> </ol> </li> <li>3. Resolution of the Ministry of Economy of the Republic of Belarus No. 49 dated July 27, 2016 “On public-private partnership projects” (hereinafter “MoE Resolution”), including 3.1. the Instructions on the Requirements for the PPP Project Concept, Feasibility Study of Proposals for the PPP Project Implementation and Tender Documents; 3.2. the Instructions for Evaluating PPP Project Proposals; 3.3. the PPP project concept template; and 3.4. the PPP project data sheet template.</li> <li>4. Resolution No. 508 dated May 27, 2014 of Council of Ministers of the Republic of Belarus “On Measures to Implement the Law of 30.12.2015 “On Public-Private Partnership” which stipulates the creation of Infrastructure Interagency Coordinating Council (IICC) (hereinafter “Resolution on IICC”)</li> </ol> <p>In those cases when a PPP includes a concession of a land, a right of the way, property or an activity from the government, the Law of the Republic of Belarus “On concessions” of July 12, 2013 (came into force on January 26, 2014) will also apply.</p>
<b>and provide a link to a government-supported website where the mentioned</b>	<a href="http://www.economy.gov.by/ru/zakondatelstvo-ru/">http://www.economy.gov.by/ru/zakondatelstvo-ru/</a>

regulatory framework is available or provide an electronic copy of it:	
2.1. Are you aware of any reforms (in the regulatory frameworks – laws, regulations, policies, etc.- or in generally followed practices) related to PPPs that: Took place in 2016, are ongoing and/or are planned to be adopted BEFORE June 1, 2017?	No
Please describe:	n/a
2.2 Are ongoing and/or are planned to be adopted AFTER June 1, 2017?	Yes
Please describe:	The government is planning to make amendments to the Law of the Republic of Belarus №345-3 “On public-private partnership” at the end of 2017.
3.1 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Transportation.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
3.2 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Water and Irrigation	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
3.3 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Energy generation and distribution.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
3.4 Besides national defense and other matters of national security, does the regulatory	No

<b>framework explicitly prohibit or restrict PPPs in any of the following sectors?: Telecom</b>	
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>3.5 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Other</b>	No
<b>If yes, specify and provide the relevant legal/regulatory provisions:</b>	n/a
<b>4. Does the regulatory framework provide for a specific tax regime for PPP transactions (i.e. tax incentives, special tax depreciation treatment, etc.)?</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory provision (if any):</b>	n/a
<b>5. Please identify the PPP procuring authorities in Belarus and provide their website(s) (if available):</b>	According to definitions in the Article 1 of the PPP Law, a “public partner”, which is a procuring state authority, and could be “any state body or any other state organization authorized by the President of the Republic of Belarus, any republican governing body or any other state organization authorized by and subordinate to the Council of Ministers of the Republic of Belarus, or any administrative-territorial unit on whose behalf a local executive and regulatory body act, that have entered into a public-private partnership agreement”. Council of Ministers ( <a href="http://www.government.by/en/">http://www.government.by/en/</a> ), ministries ( <a href="http://www.government.by/en/departments">http://www.government.by/en/departments</a> ) and local executive and administrative bodies can act as procuring authorities.
<b>6. In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the PPP program (PPP Unit)?</b>	Yes
<b>If yes, please indicate its name, and its website (if available):</b>	The Public-Private Partnership Center (PPP Center) is an internal department (subdivision/unit) within the National Agency of Investment and Privatization. The National Agency of Investment and Privatization is a state non-commercial organization under the authority and control of the Ministry of Economy of Belarus. The Agency was established in accordance with the Presidential Decree dated 25.05.2010 N 273. According to its website, the PPP Center was established on April 1, 2014 on the site of the Research Economic Institute of the Ministry of Economy. On September 1, 2016 the PPP Center was moved to the structure of the National Agency of Investment and Privatization in order to increase the Center’s potential and effectiveness of its interaction with

	state authorities in attracting investments to the Republic of Belarus. ( <a href="http://www.investinbelarus.by/en/public-private-partnerships/">http://www.investinbelarus.by/en/public-private-partnerships/</a> )
<b>6.1 If yes, what are the main responsibilities of the PPP Unit (check all that apply): PPP regulation and policy guidance.</b>	Yes
<b>6.2 PPP capacity building for other public authorities.</b>	Yes
<b>6.3 PPP promotion among the public and/or private sectors in national and international forums.</b>	Yes
<b>6.4 Technical support in implementing PPP projects.</b>	Yes
<b>6.5 Identification and selection of PPP projects from the pipeline.</b>	Yes
<b>6.6 Revision of fiscal risks born by the Government.</b>	No
<b>6.7 Consultation with affected communities on potential impact of PPP projects.</b>	No
<b>6.8 Approval of PPP projects.</b>	No
<b>6.9 Undertaking the procurement of PPPs.</b>	No
<b>6.10 Oversight of PPP implementation.</b>	No
<b>6.11 Other</b>	Yes
<b>6.11 please specify:</b>	<ol style="list-style-type: none"> <li>1. Evaluation of PPP project concepts, PPP project implementation proposals in accordance with the applicable laws;</li> <li>2. Development and update of the infrastructure strategy, jointly with government authorities;</li> <li>3. Posting information about PPP projects on the official website;</li> <li>4. Organizational, technical and information support to the Interdepartmental Infrastructure Coordination Council (IICC);</li> <li>5. Collaboration with international organizations, development institutions and potential investors in PPP development in the Republic of Belarus, incl. implementation of PPP projects;</li> <li>6. Provision of interstate exchange of experience on PPP development, including participation in expert working groups on PPP</li> </ol>
<b>Please provide the relevant legal/regulatory provisions:</b>	The list of PPP Center's functions is published at the official website of the National Agency for Investments and Privatization: <a href="http://www.investinbelarus.by/en/public-private-partnerships/">http://www.investinbelarus.by/en/public-private-partnerships/</a>
<b>PPP Preparation</b>	
<b>8. Does the Ministry of Finance or Central Budgetary Authority approve the PPP</b>	Yes

<b>project before launching the procurement process?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	According to Article 10 of the PPP Law, the Ministry of Finance shall “consider and evaluate offers concerning public-private partnership project implementation, consider and align tender documents, participate in the Tender Committee via sending its representatives”. According to Article 14.1 in the Regulation on Tender, the project concept shall be sent by the state sponsor or the body concerned (if it is accepted) to the Ministry of Finance if the PPP project is to be financed (at any stage of its implementation) using republican budget resources.
<b>8.1. Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before signing the PPP contract?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	According to Article 10 of the PPP Law, the Ministry of Finance shall “consider and evaluate offers concerning public-private partnership project implementation, consider and align tender documents, participate in the Tender Committee via sending its representatives”. Article 15 and 16 of the Resolution on Tender says “Having received positive recommendations or evaluation reports of the government bodies clearing the draft tender documentation, the tender organiser shall submit it to the Ministry of Economy to be presented for examination by the Interagency Steering Board. (...) Having checked the draft tender documentation, the Ministry of Economy shall take steps to present it for examination by the IICC.”
<b>8.2. Does the Ministry of Finance (or government more broadly) have a specific system of: Budgeting for PPP projects.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>Accounting liabilities (explicit and implicit, direct and contingent) arising from PPPs.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>Reporting liabilities (explicit and implicit, direct and contingent) arising from PPPs.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>8.3. If yes to question 8.2, which of the following alternatives best describes the regulation?: Accounting and reporting according to</b>	n/a

<b>International Public Sector Accounting Standards (IPSAS).</b>	
<b>Accounting and reporting according to other international standard (e.g. European System of Accounts).</b>	n/a
<b>Please specify:</b>	n/a
<b>Other.</b>	n/a
<b>Please specify:</b>	n/a
<b>9. Besides the procuring authority and the Ministry of Finance or Central Budgetary Authority, does any other authority(s) approve the PPP project before launching the procurement process (e.g. Cabinet, Cabinet Committee, Parliament, Supreme Audit Office, etc.)?</b>	Yes
<b>If yes, please specify the relevant authority</b>	First, apart from the Ministry of Finance, the project might be a subject to approval by the Ministry of Economy, the State Property Committee, the Ministry of Natural Resources and Environmental Protection, the Ministry of Energy, State Committee for Standardisation, regional or Minsk city executive committee. Second, the state sponsor/public partner shall send the project concept and the certificate of project concept clearance to the state institutions National Agency of Investment and Privatisation, which prepares an evaluation report. Third, Interagency Steering Board, aka Infrastructure Interagency Coordinating Council (hereinafter IICC) receives the evaluation and approves the PPP project concept.
<b>and provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 14 of the Regulation on Preparation stipulates that “the project concept shall be sent (...) to the republican government bodies, (...) state organizations (...), local executive and administrative bodies for clearance”: the Ministry of Economy and the Ministry of Finance – if the PPP is financed using republican budget resources; the State Property Committee – if PPP involves land and property transfers to the private partner; the Ministry of Natural Resources and Environmental Protection – if PPP involves issues environmental security or protection, and use of natural resources; the Ministry of Energy and / or State Committee for Standardisation – if the PPP involves electricity and heat generation sources construction work; regional or Minsk city executive committees – if the PPP is financed using local budget resources, or involves municipal/local transfer of land or property to the private partner; the government body authorised to implement price and anti-trust policies; and other government bodies, including the responsible customer of the state programme relevant to the PPP.</p> <p>Article 16 of the Regulation on Preparation stipulates that National Agency of Investment and Privatisation shall “evaluate the project concept in accordance with the objectives and tasks of the public-private partnership” and specific criteria outlined in the Regulation on Preparation.</p>

	<p>Articles 21 and 22 of the Regulation on Preparation stipulates that if the evaluation report of the National Agency of Investment and Privatisation's is positive, the state sponsor "(...) shall send the project concept to the Ministry of Economy to be presented for examination by the Interagency Steering Board (IICC). (...) Based on the results of examination of the documents presented, the Interagency Steering Board shall (...) approve the project concept and recommend to develop the proposal documents" or suggests improvements to the concept.</p> <p>IICC was established by "Resolution on IICC" and includes representatives of key ministries, executive committees, public organizations, business structures and financial institutions.</p>
<p><b>9.1. Besides the procuring authority and the Ministry of Finance or Central Budgetary Authority, does any other authority(s) approve the PPP project before signing the PPP contract?</b></p>	<p>Yes</p>
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	<p>Article 16 in the PPP Law stipulates that "Decisions on public-private project implementation shall be made by: (1) The President of the Republic of Belarus, if the public partner is the Republic of Belarus, on behalf of which the government authority or other state organization are authorized by the President of the Republic of Belarus to act; (2) The Council of Ministers of the Republic of Belarus, if the public partner is the Republic of Belarus, on behalf of which the republican government authority or other state organization subordinate to the Council of Ministers of the Republic of Belarus are authorized by the Council of Ministers of the Republic of Belarus to act; (3) A local Council of Deputies, if the public partner is the administrative-territorial unit of the Republic of Belarus, on behalf of which the relevant local executive and administrative body is authorized to act.</p>
<p><b>10. Does the procuring authority use transaction advisors during the PPP project cycle?</b></p>	<p>Yes</p>
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	<p>According to Article 15 of the PPP Law, "state bodies and authorities shall be able to solicit advisors for public-private partnership project at any milestone of implementation pursuant to the Law of the Republic of Belarus other state organizations for account of budget funds, which are factored into its annually functioning as well as for account of other funds, which are not restricted by the Law of the Republic of Belarus."</p>
<p><b>11. In a case comparable to the case study assumptions, please select the option that best describes the way your government integrates the prioritization of PPP projects with other public investment project prioritization? (e.g. in</b></p>	<p>No</p>

<p><b>the context of a national public investment system, multi-year perspective plans, medium-term budgetary framework): The regulatory framework provides for the inclusion of PPPs in the national public investment system/medium term budgetary framework and details a specific procedure to ensure the consistency of PPPs with other public investment priorities.</b></p>	
<p><b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b></p>	n/a
<p><b>The regulatory framework prescribes the need for PPPs to be consistent with all other investment priorities without establishing a specific procedure to achieve that goal.</b></p>	Yes
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	<p>1. According to Article 34.1 of the Regulation on Preparation, the Ministry of Economy examines and evaluates the proposal based on “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”.</p> <p>2. Practice: The authority initiating the project may only select to participate in a project which is included in the National Infrastructure Strategy (NIS) approved by the Infrastructure Interagency Coordinating Council (IICC). NIS is a pilot version of the assessment of the country’s long-term infrastructure needs and the improvement of the strategic planning methodology of infrastructure development for 2016-2030. It is a high level overview of infrastructure needs(by industries, by regions), as well as analysis of financial sources for infrastructure development.</p>
<p><b>The regulatory framework does not include any provisions but the procuring authority evaluates the consistency of PPPs with other government investment priorities in practice.</b></p>	No
<p><b>If yes, please elaborate:</b></p>	n/a



<b>The procuring authority does not evaluate PPPs against existing government priorities.</b>	No
<b>Please elaborate and provide examples:</b>	n/a
<b>11.1. Based on your experience, is it always the case that this prioritization is done in practice in accordance with the provisions of the regulatory framework described above?</b>	Yes
<b>If yes, please specify:</b>	Prioritization is made according to state programs for industries and regions.
<b>If no, please elaborate:</b>	n/a
<b>12.1 Which of the following assessments are conducted when identifying and preparing a PPP in order to inform the decision to proceed with it? (check all that apply): Socio-economic analysis (cost-benefit analysis of the socio-economic impact of the PPP project)</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	<p>1. According to Article 26 of the Regulation on Preparation, “the development of proposal documents shall include (...) detailed development of the social-and-economic, technical, financial-and-economic, environmental, legal, and organizational aspects of the public-private partnership project implementation (...)”</p> <p>2. According to paragraph 3 of the Instructions for Evaluating PPP Project Proposals approved by of the MoE Resolution, “The evaluation of proposals starts from the estimation of PPP project efficiency (prior to the estimation of a comparative advantage) using the following indicators: financial efficiency of PPP project; socioeconomic efficiency of PPP project.”</p>
<b>Is there a specific methodology for the assessment?</b>	Yes
<b>If yes, please elaborate</b>	Paragraphs 12-18 of the Instructions for Evaluating PPP Project Proposals approved by the MoE Resolution provide detailed 3-page methodology for calculating socioeconomic efficiency. The methodology includes formulas and a step-by-step process description to calculate (1) qualitative (quantitative) social effect and (2) monetary social effect of a PPP project.
<b>Is the assessment done in practice?</b>	Yes
<b>Details:</b>	Socio-economic assessment is performed in preparation for Belarus first large PPP project “Reconstruction of M-10 Highway: the Border of Russian Federation (Selische) - Gomel - Kobrin, km 109.9 – km 195.15.”

<b>12.2. Affordability assessment, including the identification of the required long term public commitments (explicit and implicit, direct and contingent liabilities)</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	According to Article 26 of the Regulation on Preparation, “the development of proposal documents shall include (...) detailed development of the social-and-economic, technical, financial-and-economic, environmental, legal, and organizational aspects of the public-private partnership project implementation (...)”
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	Yes
<b>Details:</b>	No regulatory basis
<b>12.3. Risk identification, allocation and assessment (risk matrix)</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	Article 38 of the Regulation on Preparation stipulates that “The organization responsible for a public-private partnership development can be guided by (...) adequate allocation of expected risks associated with the public-private partnership project implementation between the state and the private partners”.
<b>Is there a specific methodology for the assessment?</b>	Yes
<b>If yes, please elaborate</b>	Chapter 4 “Estimation of Comparative Advantage” in the Instructions on the Methodology of the MoE Resolution includes a risk matrix table for 5 types of risks, comparing PPP procurement with regular government procurement and outlines components of risk measurement in Section 27. Section 28 provides formula for calculating cost estimation of risks. Table 2 in the Annex 1 of MoE Resolution provides an additional table template for a risk allocation matrix between a private and a public partner.
<b>Is the assessment done in practice?</b>	Yes
<b>Details:</b>	The assessment is being carried out as part of preparation for the first pilot Project “Reconstruction of M-10 Highway: the Border of Russian Federation (Selische) - Gomel - Kobrin, km 109.9 – km 195.15”.
<b>12.4. Comparative assessment to evaluate whether a PPP is the best option when compared to other procurement alternatives (i.e. value for money analysis, public sector comparator)</b>	Yes

<b>Relevant legal/regulatory provision (if any)</b>	According to Article 26 of the Regulation on Preparation, “the development of proposal documents shall include (...) definition of public-private partnership project performance indicators and its comparative advantage (...)”
<b>Is there a specific methodology for the assessment?</b>	Yes
<b>If yes, please elaborate</b>	Chapter 4 “Estimation of Comparative Advantage” in the Instructions of the Instructions for Evaluating PPP Project Proposals approved by the MoE Resolution outlines methodology and formulas to assess comparative advantage of a PPP project proposal, including risk matrix table for 5 types of risks, comparing PPP procurement with regular government procurement. Appendix 1 of the Instructions for Evaluating PPP Project Proposals approved by the MoE Resolution provides a table with 14 indicators as a tool to visually compare risks of a PPP project versus traditional public procurement.
<b>Is the assessment done in practice?</b>	Yes
<b>Details:</b>	All of the contributors confirm that the assessment is done in practice. The assessment is being carried out as part of preparation for the first pilot Project “Reconstruction of M-10 Highway: the Border of Russian Federation (Selische) - Gomel - Kobrin, km 109.9 – km 195.15”.
<b>12.5. Financial viability or bankability assessment</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	1. According to Article 26 of the Regulation on Preparation, “the development of proposal documents shall include (...) detailed development of the social-and-economic, technical, financial-and-economic, environmental, legal, and organizational aspects of the public-private partnership project implementation (...)” 2. Article 38 of the Regulation on Preparation stipulates that “The organization responsible for public-private partnership development (the National Agency of Investment and Privatization) can be guided by (...) financial model adequacy, including substantiation of capital and other expenditures, sources of financing, sources of income and recovery of costs and other payments.” 3. According to paragraph 3 of the Instructions for Evaluating PPP Project Proposals approved by the of the MoE Resolution, “The evaluation of proposals starts from the estimation of PPP project efficiency (prior to the estimation of a comparative advantage) using the following indicators: financial efficiency of PPP project; socioeconomic efficiency of PPP project.”
<b>Is there a specific methodology for the assessment?</b>	Yes
<b>If yes, please elaborate</b>	Chapter 2 of the Instructions for Evaluating PPP Project Proposals on the Methodology of the Guidance part of the approved by the MoE Resolution outlines methodology and formulas to assess financial efficiency of a PPP project proposal by calculating a Net Present Value of the project, a Design payback period, an Internal rate of return, a Profitability index and the estimation of sufficiency of money for repayment of debts under long-term credits.
<b>Is the assessment done in practice?</b>	Yes

<b>Details:</b>	All of the contributors confirm that the assessment is done in practice.
<b>12.6. Market sounding and/or assessment (showing evidence of investors' interest in the market for the project)</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	Article 12 of the Instructions on the Requirements for the PPP Project Concept, Feasibility Study of Proposals for the PPP Project Implementation and Tender Documents, approved by the MoE Resolution, describes the requirements for the feasibility study and says that "the Description" chapter of a Feasibility Study of a PPP Project "shall contain (...) Description of goods (works, services). Market analysis" .
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	Yes
<b>Details:</b>	n/a
<b>12.7. Environmental impact assessment</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	Article 15 of the Instructions on the Requirements for the PPP Project Concept, Feasibility Study of Proposals for the PPP Project Implementation and Tender Documents, approved by the MoE Resolution, stipulates that PPP proposal must include environmental impact assessment: "In the section "Technical and economic data and information on the object", the private partner must include assessment of the environmental impact of the project in its implementation area".
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	Yes
<b>Details:</b>	No regulatory basis
<b>12.8. Consultation process with affected communities on potential impact of the PPP project</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	According to Article 26 of the Regulation on Preparation, the development of proposal documents shall include "public consultations on the public-private partnership project (...) to strengthen the public awareness and capture the public opinion on the public-private partnership project". In addition, under the local law a party, which is initiating a PPP project, may consult with "interested persons" when preparing its proposal for implementation of the PPP project (Article 6 and 15 of the PPP Law; Articles 3, 6 and 7 of Regulation on Preparation; Article 15 of the Instructions on the Requirements for the PPP Project Concept, Feasibility Study of Proposals for the PPP Project Implementation and Tender Documents, approved by the MoE Resolution).

<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	Yes
<b>Details:</b>	Public consultations were held within the first pilot Project “Reconstruction of M-10 Highway: the Border of Russian Federation (Selische) - Gomel - Kobrin, km 109.9 – km 195.15”.
<b>13. Does the procuring authority include the assessments (indicated in Question 12 above) in the request for proposals and/or tender documents (for example, as part of an Information Memorandum to the bidders)?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>(1) Article 21 of the PPP Law stipulates: “Tender documents may contain the following tender conditions: Feasibility study of an infrastructural facility; terms and manner of reconstruction, restoration, renovation, modernization of an infrastructural facility; terms and procedures of maintenance and/or operation of an infrastructural facility; funding sources; sources of reimbursement of outlays and realization of profit (revenue) of a private partner; risks carried by public and private partners (...)” Furthermore, Article 31 of the Instructions on the Requirements for the PPP Project Concept, Feasibility Study of Proposals for the PPP Project Implementation and Tender Documents, approved by the MoE Resolution, specifies “The bidding documents shall be prepared based on the decision on the implementation of the public-private partnership project in line with the following documents: (...) Feasibility study (containing, inter alia, the financial model of the public-private partnership project (PPP project) (...).” Furthermore, Article 24 in the Regulation on Preparation also stipulates that “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.”</p> <p>(2) According to Article 26 of the Regulation on Preparation, the development of proposal documents shall include “(...) detailed development of the social-and-economic, technical, financial-and-economic, environmental, legal, and organizational aspects of the public-private partnership project implementation (...)”</p>

<b>and specify which of the assessments are included in the request for proposals and/or tender documents:</b>	socio-economic, risk assessments, environmental, financial viability assessments
<b>13.1. Are the assessments published online?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>specify the website</b>	n/a
<b>please specify which of the assessments are published online:</b>	n/a
<b>14. Does the procuring authority include a draft PPP contract in the request for proposals?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Article 24 of the Resolution on Implementation states that “proposal documents shall include: (...) the draft of public-private partnership agreement”. Article 32.10 of the Instructions on the Requirements for the PPP Project Concept, Feasibility Study of Proposals for the PPP Project Implementation and Tender Documents, approved by the MoE Resolution, in the Appendix 4 of the MoE Resolution says: “tender documentation should include: (...) draft of the PPP contract, containing the terms of the public-private partnership contract specified in Article 29 (of the PPP Law)”.
<b>If no, please elaborate</b>	n/a
<b>14.1. Are the tender documents published online?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>and please specify the website:</b>	n/a
<b>15. In a case comparable to the case study assumptions, have standardized PPP model contracts and/or transaction documents been developed?</b>	No
<b>If yes, please specify and provide a government-supported website where the mentioned standards are available or provide an electronic copy of them:</b>	n/a
<b>16.1 In a case comparable to the case study assumptions, who is the responsible party for each of the following</b>	No

<b>requirements? Obtaining the required urban permits: Procuring authority (or other Government entity)</b>	
<b>Private Partner</b>	No
<b>Private partner with facilitation role assigned to the procuring authority (or other Government entity)</b>	No
<b>To be established in the contract</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>16.2. Obtaining the required environmental permits: Procuring authority (or other Government entity)</b>	No
<b>Private Partner</b>	No
<b>Private partner with facilitation role assigned to the procuring authority (or other Government entity)</b>	No
<b>To be established in the contract</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>16.3. Obtaining the required operational permits: Procuring authority (or other Government entity)</b>	No
<b>Private Partner</b>	No
<b>Private partner with facilitation role assigned to the procuring authority (or other Government entity)</b>	No
<b>To be established in the contract</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>16.4. Obtaining the required land: Procuring authority (or other Government entity)</b>	No
<b>Private Partner</b>	No
<b>Private partner with facilitation role assigned to the procuring authority (or other Government entity)</b>	No
<b>To be established in the contract</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis

<b>16.5. Obtaining the required right of way: Procuring authority (or other Government entity)</b>	No
<b>Private Partner</b>	No
<b>Private partner with facilitation role assigned to the procuring authority (or other Government entity)</b>	No
<b>To be established in the contract</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>PPP Procurement</b>	
<b>18. Which of the following options best describes the required qualifications of the bid evaluation committee members? (Please select only one): The membership of the bid evaluation committee is specified and/or its members are required to meet detailed qualifications.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The bid evaluation committee members require sufficient qualification without specific details.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The bid evaluation committee members are not required to have any specific qualifications.</b>	Yes
<b>Please elaborate and provide examples:</b>	According to Article 19 of the PPP Law, the bid evaluation committee "is comprised of representatives of relevant government bodies and authorities as well as deputies of the House of Assembly of the Republic of Belarus, deputies of relevant local Deputy Councils, representatives of public associations, associations of legal entities and/or individual entrepreneurs (associations and unions) and any other organizations."
<b>19. Does the procuring authority issue a public procurement notice of the PPP project?</b>	Yes
<b>If yes, please specify the means of publication and provide the relevant</b>	Article 19 of the Regulation on Tender stipulates that the bid evaluation committee shall "post an invitation to bid, as well as an abstract from the tender documentation including information on requirements to bidders, on



<b>legal/regulatory provisions (if any):</b>	the official website of the tender organiser within five working days following the tender documentation approval. The invitation to bid shall be also published in print media specified by the Council of Ministers of the Republic of Belarus.”
<b>19.1. If yes, is the public procurement notice published online?</b>	Yes
<b>If yes, please specify the website:</b>	Official website of the tender organizer
<b>20. Are foreign companies prohibited from participating in the bidding process?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>21. In a case comparable to the case study assumptions, does the procuring authority grant the potential bidders a minimum period of time to submit their bids?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	According to Article 27 of the Regulation on Tender, “the time limit for bid submission must be at least 30 working days following the date the invitation to bid is posted on the official website of the tender organiser”.
<b>and the time in calendar days:</b>	42
<b>22.1. In a case comparable to the case study assumptions, which are the procurement procedures available and/or set as default for PPP projects? Open tendering: Available</b>	No
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.2. Restricted tendering (with pre-qualification stage): Available</b>	Yes
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	In Belarus law, “open tender” refers to bidding with a pre-qualification stage, and therefore corresponds classification of a “restricted tender”. According to Article 2 of the Regulation on Tender an open tender is “the procedure of the private partner selection to enter into a public-private partnership agreement that is a public and competitive method of selecting the private partner where any interested entity can submit its proposal (bid)”. Further, Article 4 of the Regulation on Tender states: “An open tender shall include the following stages: pre-qualification; and determining the successful bidder”.
<b>22.3 Multi-stage tendering (with shortlisting of final candidate(s)): Available</b>	No

<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.4. Competitive dialogue: Available</b>	No
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.5. Direct negotiation with more than one candidate: Available</b>	Yes
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	<p>Direct negotiations in Belarus PPP framework are referred to as “restricted tender”. According to Article 2 of the Regulation on Tender, “restricted tender is a procedure of the private partner selection to enter into a public-private partnership agreement that is a competitive method of private partner selection, when bidders are invited to participate in it by the tender organizer on an individual basis”. According to Article 5 of the Regulation on Tender, “(...) A restricted tender shall be held with no pre-qualification (...)” According to the same Article 5, this type of tender with no pre-qualification “shall be held if the information related to the public-private partnership project is classified as information, dissemination and / or provision of which is limited”, it follows the same procedure as restricted tender used by default and “the number of participants invited to participate (...) must ensure fair competition taking into account the time and costs associated with examination, evaluation, and comparison of a large number of bids”.</p> <p>The Information on a this type of tender “shall not be posted on the official website of the tender organizer, as well as in mass media, and shall be provided to its participants on an individual basis” (Article 5).</p>
<b>22.6. Direct negotiation with only one candidate: Available</b>	No
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.7 Other. Specify:</b>	No
<b>Available</b>	No
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.8. Do the tender documents detail the procedure of the procurement process providing the same information to all the bidders?</b>	Yes

<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 19 of the Regulation on Tender stipulates that “the bid evaluation committee shall post an invitation to bid, as well as an abstract from the tender documentation, including information on requirements to bidders, on the official website of the tender organizer within five working days following the tender documentation approval. The invitation to bid shall be also published in print media specified by the Council of Ministers of the Republic of Belarus.”</p>
<b>If no, please elaborate:</b>	<p>n/a</p>
<b>22.9. Do the tender documents specify the prequalification/shortlisting criteria (when applicable) in order to make them available to all the bidders?</b>	<p>Yes</p>
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 24 of the Regulation on Tender stipulates that “Pre-qualification shall be performed by committee following the procedure specified in the tender documentation.” Article 25 further expands: “A bid must meet the requirements established in the invitation to bid and the tender documentation and must include documents and materials proving the bidder’s compliance with applicable requirements”.</p>
<b>22.10. Based on your experience, is it always the case that the specified criteria are respected in practice?</b>	<p>Yes</p>
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b>	<p>Contributors confirm that shortlisting criteria are planned to be used within the first pilot Project “Reconstruction of M-10 Highway: the Border of Russian Federation (Selische) - Gomel - Kobrin, km 109.9 – km 195.15”.</p>
<b>If no, please elaborate:</b>	<p>n/a</p>
<b>23. Can interested parties/potential bidders submit questions to clarify the public procurement notice and/or the request for proposals?</b>	<p>Yes</p>
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 22 of the Regulation on Tender states: “ On request of bidders, the committee shall send them written clarifications of tender documentation provisions, if the relevant requests were received by the tender organiser or the committee at least 10 working days before the end date of the time limit for proposal (bid) submission”. Further, according to Article 23 of the Regulation on Tender, “The committee shall provide clarifications of tender documentation provisions to bidders based on their requests within the time period specified in the tender documentation, but at least five working days before the end date of the time limit for proposal (bid) submission, as well as poste them on the official website of the tender organiser without mentioning the bidders that submitted the requests”.</p>
<b>23.1. If yes, notwithstanding confidential information pertaining to the bidders,</b>	<p>Yes</p>

<b>does the procuring authority disclose those questions and clarifications to all potential bidders?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	According to Article 23 of the Regulation on Tender, the tender committee “shall provide clarifications of tender documentation provisions to bidders” and “post them on the official website of the tender organiser without mentioning the bidders that submitted the requests”.
<b>23.2. Based on your experience, is it always the case that this disclosure of information is done in practice?</b>	No
<b>If yes, please specify:</b>	No Data
<b>If no, please elaborate:</b>	n/a
<b>24. Besides questions and clarifications, can the procuring authority conduct pre-bidding conference?</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>24.1. If yes, notwithstanding confidential information pertaining to the bidders, does the procuring authority disclose the content and the results of the pre-bid conference to all bidders?</b>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>24.2. Based on your experience, is it always the case that this disclosure of information is done in practice?</b>	n/a
<b>If yes, please specify:</b>	n/a
<b>If no, please elaborate:</b>	n/a
<b>25. In a case comparable to the case study assumptions, does the procuring authority require the bidders to prepare and present a financial model with their proposals?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	No regulatory basis

<b>If no, please elaborate:</b>	n/a
<b>26. Does the procuring authority evaluate the proposals strictly and solely in accordance with the evaluation criteria stated in the tender documents?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	According to Article 43 of the Regulation on Tender, “the committee shall evaluate bids in accordance with the criteria of bid evaluation the tender terms and conditions specified in the tender documentation. No other criteria can be used.”
<b>Evaluation criteria is not set in the tender documents</b>	No
<b>27. In the case where only one proposal is submitted (sole proposals), which of the following options best describes the way the procuring authority deals with them? (Please select only one)?: The procuring authority follows a specific procedure before awarding a PPP contract where only one proposal is submitted.</b>	No
<b>Please specify and provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The procuring authority considers sole proposals valid as long as they meet the conditions outlined in the tender documents.</b>	Yes
<b>Please provide the relevant legal/regulatory provisions (if any):</b>	According to Article 23.3 in the PPP Law, “In the event that a tender has been recognised as failed due to the fact that any bid had been submitted by one participant only, or only one bidder was present to participate in the tender (hereinafter referred to as “sole bidder”), the Tender Committee shall consider such bidder’s proposals and provide a conclusion on compliance or non-compliance of proposed conditions to those of the tender. Should any sole bidder’s proposals meet the tender terms and conditions, a public-private partnership agreement shall be entered into on the terms and conditions proposed by such bidder.”
<b>The procuring authority does not award a PPP contract if only one proposal is submitted.</b>	No
<b>Please provide the relevant legal/regulatory provisions (if any):</b>	n/a

The regulatory framework does not include any provisions.	No
28. Does the procuring authority publish the award notice?	Yes
If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	Article 48 of the Regulation on Tender stipulates “Within 10 working days following the date the minutes on the results of bidding, or the minutes on examination of the bid of the only bidder, or the minutes of announcing the tender as failed (ineffective) (...) are signed, the committee must poste the results of the tender held on the official website of the tender organiser.”
28.1. If yes, is the public procurement award notice published online?	Yes
If yes, please specify the website:	The notice is published on the tender organizer’s website, e.g. the notice of the first pilot Project “Reconstruction of M-10 Highway: the Border of Russian Federation (Selische) - Gomel - Kobrin, km 109.9 – km 195.15”, <a href="http://www.mintrans.gov.by/ru/">http://www.mintrans.gov.by/ru/</a>
29. Does the procuring authority provide all the bidders with the result of the PPP procurement process?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 48 of the Regulation on Tender stipulates “Within 10 working days following the date the minutes on the results of bidding, or the minutes on examination of the bid of the only bidder, or the minutes of announcing the tender as failed (ineffective) (...) are signed, the committee must poste the results of the tender held on the official website of the tender organiser.”
If no, please elaborate:	n/a
29.1. If yes, does the notification of the result of the PPP procurement process include the grounds for the selection of the winning bid?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
30. Is there a standstill (or pause) period after the contract award and before the signing of the contract in order to allow unsuccessful bidders to challenge the award decision?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Articles 49-50 of Regulations on Tender, if disagreeing with the committee’s decision, a bidder shall be authorised to file an appeal of the committee’s decision to the tender organiser within five working days following the date the decision is posted on the official website of the tender organiser, as well as to court. The tender organiser shall consider an appeal of the committee’s decision within five working days following the date of its receipt. Based on the results of examining the bidder’s appeal, the committee

	shall make either of the following decisions: to satisfy the appeal of the bidder and repeal the disputed decision; or to dismiss the appeal of the bidder. If the appeal of the bidder is satisfied and the disputed decision is repealed, the bidding procedure, in the framework of which the decision is repealed, shall be held again. Complementing this, Article 25(4) of the Law of the Republic of Belarus dated July 13, 2012 No. 419-3 “On Public Procurement of goods” establishes, in general, the contract between the customer and the winner participant, with the exception of the procurement procedure from a single source, is subject to conclusion upon the expiration of the time limit for appealing the decision on the selection of the winner participant (...).
<b>and the time in calendar days:</b>	7
<b>30.1. Is the standstill period set out in the notice of intention to award?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>31. Does the regulatory framework restrict negotiations with the selected bidder between the award and the signature of the PPP contract in order to prevent an unfair disadvantage to the other bidders?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>31.1. Based on your experience, is it always the case that this restriction is respected in practice?</b>	n/a
<b>If yes, please specify:</b>	n/a
<b>If no, please elaborate:</b>	n/a
<b>32. Does the procuring authority publish the PPP contract?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	According to Article 7 of the Regulation on State Register, the Ministry of Economy keeps the State Register of Public-Private Partnership Agreements. The State Register shall contain data on:” the public partner that has entered into the public-private partnership agreement, additional agreement thereto; the private partner; the organization created by the private partner to implement the public-private partnership project; the subject matter of the public-private partnership agreement; the date and number of the legal act of the President of the Republic of Belarus, Council of Ministers of the Republic of Belarus, local Council of Deputies, based on which the public-private partnership project is implemented; the date of entering into the public-private partnership agreement, additional agreement thereto, the number of the public-private partnership agreement, additional agreement thereto (if

	any); the infrastructure, its functionality; the sources of recovery of costs of the private partner, by years; the period of infrastructure maintenance and / or operation; the period of validity of the public-private partnership agreement; the date of the state registration of the public-private partnership agreement, additional agreement thereto in the State Register and the identification codes (numbers) assigned to the public-private partnership agreement, additional agreement thereto; and the date of termination of the public-private partnership agreement, the number and date of the court judgement on termination of the public-private partnership agreement (if the public-private partnership agreement is terminated through legal action). The State Register can include other information about the public-private partnership project implementatio”
<b>32.1. If yes, which of the following options best describes this publication (choose only one)?: Publication of the full PPP contract including all its annexes and appendixes</b>	No
<b>Publication of the full PPP contract without including all its annexes and appendixes</b>	No
<b>Publication of a summary of the PPP contract without publishing the full PPP contract</b>	Yes
<b>Publication of a summary of the PPP contract along with the full PPP contract including all its annexes and appendixes</b>	No
<b>Publication of a summary of the PPP contract along with the full PPP contract without including all its annexes and appendixes</b>	No
<b>32.2. If yes, is it published online?</b>	No
<b>If yes, please specify the website:</b>	n/a
<b>32.3. If yes, does the procuring authority also publish any subsequent amendment made to the PPP contract?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>PPP Contract Management</b>	
<b>41. Has the procuring or contract management</b>	Yes



authority established a system to manage the implementation of the PPP contract (e.g. attributing responsibilities or establishing specific management tools)?	
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 32 of the PPP law provides that supervision over the performance of the Public-Private Partnership Agreement is exercised in accordance with the applicable law of the Republic of Belarus.
41.1. If yes, which of the following tools does it include (check all that apply)? Establishment of a PPP contract management team	No
Relevant legal/regulatory provisions (if any):	n/a
Participation of the members of the PPP contract management team in the PPP procurement process and/or vice versa	No
Relevant legal/regulatory provisions (if any):	n/a
Elaboration of a PPP implementation manual or an equivalent document	No
Relevant legal/regulatory provisions (if any):	n/a
Establishment of personnel training programs (i.e. initial training and continued training throughout the course of the project)	No
Relevant legal/regulatory provisions (if any):	n/a
Establishment of a risk mitigation mechanism which considers the evolving nature of risks throughout the project lifecycle (guidelines, specific processes, insurance regime, etc.)	No
Relevant legal/regulatory provisions (if any):	n/a
41.2. Which of the following options best describes the required qualifications of the PPP contract management team members? (Please select only one): The membership of the PPP	n/a

<b>contract management team is specified and/or its members are required to meet detailed qualifications.</b>	
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The PPP contract management team members are required to meet sufficient qualification without specific details.</b>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The PPP contract management team members are not required to meet any specific qualifications.</b>	n/a
<b>Please elaborate and provide examples:</b>	n/a
<b>42. Does the procuring or contract management authority establish a system for tracking progress and completion of construction works under a PPP contract?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	The general rule is that implementation of PPP contracts is managed in accordance with the laws of Belarus, according to Articles 31 and 32 of the PPP Law. The general rules for managing, tracking progress and supervising construction works and projects are specified by the Architecture, City Planning and Construction Activities Act of Belarus dated 05.07.2004 N 300-3.
<b>42.1. If yes, is the PPP contract construction performance information made available to the public?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	According to Article 31 of the PPP Law, "1.Any public partner must place the information concerning the public-private partnership agreement performance on its official web-site in World Wide Web Internet apart from the information containing data being state, commercial secret, bank secret or any other type of secret information not to be disclosed by any Parties of the public-private partnership agreement. 2. The information on the public-private partnership agreement performance should be full, updated and accurate."
<b>42.2. If yes, is the PPP contract construction performance information made publicly available online?</b>	Yes
<b>If yes, please specify the website:</b>	According to Article 31 of the PPP Law, "1.Any public partner must place the information concerning the public-private partnership agreement

	performance on its official web-site in World Wide Web Internet apart from the information containing data being state, commercial secret, bank secret or any other type of secret information not to be disclosed by any Parties of the public-private partnership agreement. 2. The information on the public-private partnership agreement performance should be full, updated and accurate.”
<b>43. Does the procuring or contract management authority establish a monitoring and evaluation system of the PPP contract implementation after construction?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>43.1. If yes, which of the following tools does it include (check all that apply)?: Performance is assessed against evaluation criteria set in the tender documents and the PPP contract</b>	No
<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>The procuring or contract management authority can abate (reduce) payments for non-performance of operating obligations under the PPP contract</b>	No
<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>The private partner must provide the procuring or contract management authority with periodic operational and financial data</b>	No
<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>The procuring or contract management authority must periodically gather information on the performance of the PPP contract</b>	No
<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>The PPP contract performance information must be available to the public</b>	No

<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>43.2. Is PPP contract performance information made publicly available online?</b>	Yes
<b>If yes, please specify the website:</b>	According to Article 31 of the PPP Law, “1.Any Public partner must place the information concerning the public-private partnership agreement performance on its official web-site in World Wide Web Internet apart from the information containing data being state, commercial secret, bank secret or any other type of secret information not to be disclosed by any Parties of the public-private partnership agreement. 2. The information on the public-private partnership agreement performance should be full, updated and accurate.”
<b>44. Are foreign companies prohibited from repatriating the income resulting from the operation of a PPP project?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>45. Does the regulatory framework (including standard contractual clauses) expressly regulate changes in the ownership structure (i.e. stakeholder composition) of the private partner and/or assignment of the PPP contract?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	Article 34 of the PPP Law stipulates that “a private partner under a PPP agreement may be changed by assigning a claim and/or debt transfer, as well as by other methods provided for by civil legislation of the Republic of Belarus, shall be allowed only with the consent of the public partner, unless otherwise provided by the PPP agreement, and shall be carried out through a tender, with the exception of cases provided for by paragraph 3 of Article 17 of the Law. The change of a private partner shall be allowed in the following cases: as stipulated by the PPP agreement; when this is required in the interests of national security (including environmental protection, and historical and cultural valuables), public order, protection of morals, public health, rights and freedoms of others; the decision of the court to commence liquidation proceedings against a private partner in accordance with the legislation of the Republic of Belarus on economic insolvency/bankruptcy. The public partner under the PPP agreement may be changed without the private partner’s consent; nevertheless, the terms of the PPP agreement shall remain unchanged. The public partner may be changed in the following cases: a change in the administrative-territorial structure; abolishment of the state body or organization acting as a public partner.”

<b>45.1. If yes, which of the following circumstances are specifically regulated? (check all that apply): Any change in the private partner during an initial period (e.g. construction and first five years of operation).</b>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>Changes of ownership/contract assignment, at any time during the contract, must preserve the same technical qualifications as the original operator.</b>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>In other cases, flexibility to change the ownership structure and/or assign the contract.</b>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>46. Does the regulatory framework (including standard contractual clauses) expressly regulate the modification or renegotiation of the PPP contract (once the contract is signed)?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>According to Article 30 of the PPP Law, "1. The public-private partnership agreement may be amended or terminated by mutual consent of the parties, unless otherwise provided by legal acts of the Republic of Belarus and the public-private partnership agreement or as requested by any Party by Court ruling. 2. Any party may bring the demand to amend or terminate the public-private partnership agreement to court only upon the receipt of the other party's refusal to amend or terminate the said agreement, or in the event that no response has been received within the timeframe specified in the bid or in the public-private partnership agreement."</p>

<b>46.1. If yes, is an approval from a government authority, other than the procuring authority, required?</b>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>46.2. If yes to question 46, which of the following circumstances are specifically regulated? (check all that apply): A change in the scope and/or object of the contract.</b>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>A change in the risk allocation of the contract.</b>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>A change in the financial and/or economic balance of the contract.</b>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>A change in the duration of the contract.</b>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>A change in the agreed price or tariff.</b>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>46.3. Can the procuring authority unilaterally modify a PPP contract?</b>	No

<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>47. Does the regulatory framework (including standard contractual clauses) expressly regulate the following circumstances that may occur during the life of the PPP contract? (check all that apply): Force Majeure</b>	Yes
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	No regulatory basis
<b>Material Adverse government action .</b>	Yes
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	No regulatory basis
<b>Change in the Law.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	No regulatory basis
<b>Refinancing.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	No regulatory basis
<b>Subcontracting and replacement of the subcontractors.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	No regulatory basis
<b>48. Does the regulatory framework (including standard contractual clauses) allow for administrative and/or contractual complaint review mechanisms to address disputes arising from</b>	Yes

<b>the implementation of PPP contracts?</b>	
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>Article 39 of the PPP Law states:</p> <p>“1. Disputes between the private and public partners arising out of the performance of the public-private partnership agreement shall be resolved via out-of-court means through amicable negotiations, unless otherwise stipulated by legal acts of the Republic of Belarus.</p> <p>2. Disputes between the private and public partners not resolved out-of-court through amicable negotiations within three months starting with the date of the receipt of the written proposals for such resolution, shall be settled in court in accordance with the applicable law of the Republic of Belarus. In the event such disputes not exclusively covered by the jurisdiction of the courts in the Republic of Belarus should have arisen between the foreign private partner and public partner and are not resolved via out-of-court means through amicable negotiation within three months starting with the date of the receipt of the written proposals for such out-of-court resolution, at the discretion of the foreign private partner such disputes may also be resolved in the following fashion: by the arbitration tribunal established to resolve each specific dispute under the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL), unless the parties to the dispute agree otherwise; by the International Centre for Settlement of Investment Disputes (ICSID) in the event the private partner should be a foreign citizen or a legal entity of the country-member to the Convention on the Settlement of Investment Disputes between States and Nationals of Other States dd. 18.03.1965. (...)”</p>
<b>48.1. If yes, please specify which of the following options are available (check all that apply): Local administrative review body</b>	<p>No</p>
<b>If yes, please specify:</b>	<p>n/a</p>
<b>Local courts</b>	<p>Yes</p>
<b>Domestic arbitration</b>	<p>No</p>
<b>International arbitration</b>	<p>Yes</p>
<b>Investor-State Dispute Settlement (ISDS)</b>	<p>Yes</p>
<b>Mediation</b>	<p>No</p>
<b>Please provide the relevant legal/ regulatory/standard contractual provisions (if any)</b>	<p>Article 39 of the PPP Law states:</p> <p>“1. Disputes between the private and public partners arising out of the performance of the public-private partnership agreement shall be resolved via out-of-court means through amicable negotiations, unless otherwise stipulated by legal acts of the Republic of Belarus.</p> <p>2. Disputes between the private and public partners not resolved out-of-court through amicable negotiations within three months starting with the date of the receipt of the written proposals for such resolution, shall be settled in court in accordance with the applicable law of the Republic of Belarus. In the event such disputes not exclusively covered by the jurisdiction of the courts in</p>



	<p>the Republic of Belarus should have arisen between the foreign private partner and public partner and are not resolved via out-of-court means through amicable negotiation within three months starting with the date of the receipt of the written proposals for such out-of-court resolution, at the discretion of the foreign private partner such disputes may also be resolved in the following fashion: by the arbitration tribunal established to resolve each specific dispute under the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL), unless the parties to the dispute agree otherwise; by the International Centre for Settlement of Investment Disputes (ICSID) in the event the private partner should be a foreign citizen or a legal entity of the country-member to the Convention on the Settlement of Investment Disputes between States and Nationals of Other States dd. 18.03.1965. (...)"</p> <p>If an international treaty of the Republic of Belarus and/or a PPP agreement establish otherwise with respect to the settlement of disputes between the parties, the provisions of this international treaty of the Republic of Belarus and/or the PPP agreement shall apply.</p>
<b>48.2. If applicable, are arbitration awards enforceable by the local courts?: Domestic Arbitration</b>	n/a
<b>If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):</b>	n/a
<b>International arbitration</b>	Yes
<b>If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):</b>	Belarus is a party to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) as of 1961 (the "New York Convention").
<b>Investor-State arbitration</b>	Yes
<b>If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):</b>	Belarus is a party to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) as of 1961 (the "New York Convention").
<b>49. Does the regulatory framework (including standard contractual clauses) allow for the restructuring of a PPP private partner (SPV) in financial difficulty prior to insolvency?</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a

<b>50. Does the regulatory framework (including standard contractual clauses) allow for the lenders to take control of the PPP project (lender step-in rights) if either the private partner defaults or if the PPP contract is under threat of termination for failure to meet service obligations?</b>	<p>Yes</p>
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>According to Article 37 of the PPP Law, “Any public partner, private partner, loaners of the private partner and/or other entities shall be able to enter into an agreement on cooperation during the public private partnership agreement implementation period, as well as with its amendment and termination, providing the following terms and conditions: (...) rights of the private partner’ loaners to request to change the private partner in the event of his/her failure to perform the contractual obligations under teh public-private partnership agreement which can result in its termination under the public-private partnership agreement (...)”</p>
<b>50.1. If yes, which of the following options best describes the lender step-in right? (Please select only one): The regulatory framework expressly regulates the lender step-in rights.</b>	<p>No</p>
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>n/a</p>
<b>The regulatory framework prescribes that a direct agreement should be signed with the lenders.</b>	<p>Yes</p>
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>According to Article 37 of the PPP Law, “Any public partner, private partner, loaners of the private partner and/or other entities shall be able to enter into an agreement on cooperation during the public private partnership agreement implementation period, as well as with its amendment and termination, providing the following terms and conditions: (...) rights of the private partner’ loaners to request to change the private partner in the event of his/her failure to perform the contractual obligations under the public-private partnership agreement which can result in its termination under the public-private partnership agreement (...)”</p>
<b>The regulatory framework prescribes that the lender step-in rights should be regulated in the contract.</b>	<p>No</p>

<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>Other.</b>	No
<b>Please Specify:</b>	n/a
<b>51. Does the regulatory framework (including standard contractual clauses) expressly establish the grounds for termination of a PPP contract?</b>	Yes
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	According to Article 30 of the PPP Law, "1. The public-private partnership agreement may be amended or terminated by mutual consent of the parties, unless otherwise provided by legal acts of the Republic of Belarus and the public-private partnership agreement or as requested by any Party by Court ruling. 2. Any party may bring the demand to amend or terminate the public-private partnership agreement to court only upon the receipt of the other party's refusal to amend or terminate the said agreement, or in the event that no response has been received within the timeframe specified in the bid or in the public-private partnership agreement."
<b>51.1. If yes, does the regulatory framework (including standard contractual clauses) establish the consequences for the termination of the PPP contract?</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>Unsolicited Proposals</b>	
<b>34. Are unsolicited proposals in Belarus: (choose only one): Explicitly prohibited by the legal framework? (If prohibited, skip to section F)</b>	No
<b>Explicitly allowed by the legal framework?</b>	Yes
<b>Not regulated by the legal framework, but do happen in practice?</b>	No
<b>Not regulated by the legal framework, and do not happen in practice? (if not done in practice, skip to section F)</b>	No

<p><b>If the legal framework explicitly prohibits or allows unsolicited proposals, please provide the relevant legal/regulatory provisions</b></p>	<p>Paragraph 2 of the Article 15 of the PPP Law states “Any Legal entities, foreign companies other than legal entities, individual entrepreneurs shall be able to make an offer on public-private project implementation”. Chapters 3 and 6 of the Regulation on Preparation outline a specific procedure of examination of the project concept developed by a private firm, and not a public body initiating the PPP, and examination of a private firm’s proposal by a procuring authority.</p>
<p><b>35. Does the procuring authority conduct an assessment to evaluate unsolicited proposals? (if not, skip to question 37)</b></p>	<p>Yes</p>
<p><b>If yes, please specify and provide the relevant legal/regulatory provisions (if any)</b></p>	<p>Chapter 6 of of the Regulation on Preparation outlines the procedure for unsolicited proposals, including a requirement for proposal evaluation by a procuring authority and evaluation criteria.</p>
<p><b>35.1. If yes, is there any vetting procedure and/or pre-feasibility analysis before fully assessing the unsolicited proposal?</b></p>	<p>Yes</p>
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	<p>According to Article 11 of the Regulation on Preparation on “The project concept developed and approved by the private sponsor shall be presented to the body concerned”, the concerned procuring authority evaluates 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.”</p>
<p><b>36. Which of the following options best describe how the procuring authority ensures that unsolicited proposals are consistent with existing government priorities? (Please select only one): The procuring authority follows a specific procedure to ensure the consistency of PPPs with other government investment priorities.</b></p>	<p>No</p>
<p><b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b></p>	<p>n/a</p>

<p><b>The regulatory framework requires unsolicited proposals to be among the existing government priorities without establishing specific procedures to achieve that goal.</b></p>	<p>Yes</p>
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	<p>According to Article 11 of the Regulation on Preparation on “The project concept developed and approved by the private sponsor shall be presented to the body concerned”, the procuring authority evaluates 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 (...) Additionally, Article 34.1., Chapter 7 of the Regulation on Preparation, all project proposals, including the unsolicited proposals, are evaluated, inter alia, on the basis of their consistency with the social and economic development priorities.</p>
<p><b>The procuring authority does not evaluate unsolicited proposals against existing government priorities.</b></p>	<p>No</p>
<p><b>Please elaborate and provide examples:</b></p>	<p>n/a</p>
<p><b>37. Does the procuring authority initiate a competitive PPP procurement procedure when proceeding with the unsolicited proposal?</b></p>	<p>Yes</p>
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	<p>Pursuant to Article 17 of the PPP Law, the only exception to tender procedure for a private partner selection for a public-private partnership agreement happens in two cases: (1) in an emergency that makes it impossible to hold a tender; (2) in cases related to ensuring defensive power and national security of the Republic of Belarus. Therefore, a competitive PPP procurement procedure is required even in the case of an unsolicited proposal.</p>
<p><b>38. Does the procuring authority grant a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals?</b></p>	<p>No</p>
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	<p>n/a</p>
<p><b>and the time in calendar days:</b></p>	<p>n/a</p>
<p><b>39.1 Does the procuring authority use any of the following incentive</b></p>	<p>No</p>

<b>mechanisms to reward/compensate the presentation of unsolicited proposals? (check all that apply): Access to the best and final offer (BAFO) process and/or automatic shortlisting.</b>	
<b>39.2 Developer's fee (reimbursing the original proponent for the project development cost).</b>	No
<b>39.3 Bid Bonus.</b>	No
<b>39.4 Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).</b>	No
<b>39.5 Other.</b>	No
<b>Please specify:</b>	Public official indicated that amendments are currently being made to the PPP law to introduce incentive mechanisms for USPs.
<b>Please provide the relevant legal/regulatory provisions (if any):</b>	n/a