

The Law On Public-Private Partnerships in the Kyrgyz Republic

Article 1. Basic terms

The following basic terms, concepts and definitions are used in this Law:

Public-private Partnership (PPP) means a long-term (up to fifty years) interaction between public and private partners for engaging the private partner by the public partner in designing, financing, construction, rehabilitation, reconstruction of assets, as well as the management of existing or newly created assets, including infrastructure assets;

Government guarantees means guarantees provided to private partners and project companies aimed to protect investments made into the PPP projects;

Government support means public financial support, public economic support and/or other support aimed to create favorable and mutually beneficial conditions for the implementation of PPP projects and to secure the commitments of public partners under PPP agreements;

State Risk Management Unit means the public agency authorized by the Government of the Kyrgyz Republic (the Government) to develop the state policy for the management of risks associated with the implementation of projects;

Public partner means the Government, executive public agencies including ministries, state committees, administrative departments, and local state administrations, as well as executive bodies of local self-government and municipal enterprises;

Infrastructure services means works and/or services made and provided using an infrastructure asset;

Infrastructure asset means publicly, municipally or privately owned property or property complexes for social, economic or industrial purposes;

Tender means a two-stage selection process consisting of the pre-qualification stage and selecting the winner stage.

Minimum requirements for the project means minimum mandatory requirements, whether technical, operational, commercial or other, necessary for PPP project implementation, developed by the public partner, when preparing a proposal to initiate the PPP project;

PPP project means a system of relationships regulated by the PPP agreement and dealing with the private partner's engagement by the public partner in designing, construction, rehabilitation, reconstruction, or management of existing or newly created infrastructure assets;

Government-approved project means a PPP project requiring government approval in view of the social relevance of the infrastructure asset and/or the amount of investment required, as established by the Government;

Project company means a legal entity established under the legislation of the Kyrgyz Republic as a for-profit or non-profit organization aimed solely at implementation of a PPP project;

PPP agreement means a written agreement between the public and private partners setting forth the rights, obligations and liability of the parties, as well as other conditions of the PPP project implementation for the purpose of carrying out certain activities in various areas

based on the PPP principles in the manner and form prescribed by this Law and other regulatory legal acts of the Kyrgyz Republic;

Authorized public agency means a Government-established organization, the primary objective thereof is to develop public-private partnerships in the Kyrgyz Republic and whose powers thereof are defined in this Law and other regulatory legal acts enacted by the Kyrgyz Republic;

Special funds means funds established by the Government or public partners to accumulate financial resources securing and guaranteeing the performance of the public partners of their obligations under PPP agreements;

PPP stages means the PPP project preparation, the private partner selection and the PPP project implementation;

Feasibility study (FS) means technical, financial, economic, legal and environmental assessment and evaluation of key risks and viability of the PPP project;

Winner determination stage means a process of selecting the winner in accordance with the PPP principles from among the pre-qualified private partners;

Tender documents include those prepared by the public partner related to criteria for selecting the private partner, identifying and allocating risks between the public and private partners, the draft PPP agreement and other documents and information necessary for conducting a tender;

Private partner means an individual entrepreneur, or a legal entity registered under the legislation of the Kyrgyz Republic or a legal entity registered under the legislation of the foreign country, or an association of such legal entities.

Financial institution means banking and other financial and lending or credit institutions registered under the legislation of the Kyrgyz Republic or the foreign country and involved in financing and/or guaranteeing PPP projects.

Article 2. Legislation of Kyrgyz Republic on PPP

1. The PPP legislation of the Kyrgyz Republic is based on the Constitution of the Kyrgyz Republic and comprises of the Civil Code, this Law and other regulatory legal acts enacted based on this Law.
2. International treaties on PPP, duly entered into law by virtue of which the Kyrgyz Republic is a party, shall be a constituent part of the legal system of the Kyrgyz Republic.

Article 3. The use of public-private partnerships

1. PPP applies to infrastructure assets and/or infrastructure services in the following sectors:
 - Generation, transmission and distribution of electric and thermal power;
 - Processing, storage, transportation, transmission and distribution of oil and natural gas;
 - Automobile, railway, water, air, urban electric transport;
 - Roads and railways (including bridges and tunnels);
 - Public utilities and public services;
 - Medical, medico-preventive and other activities in the health care system;
 - Education, upbringing, culture and social services;

- Mobile and fixed communications and telecommunication services;
 - Tourism, recreation and sports;
 - Water resources;
 - Other sectors involving the provision of services to a wide range of consumers.
2. PPP can be applied to other infrastructure facilities and infrastructure services except for those on the list thereof determined by the Government.
 3. PPP shall not apply to relationships associated with the use of mineral resources, public procurement and privatization.

Article 4. PPP principles

PPP in the Kyrgyz Republic is based upon and is guided by the following principles:

- The Rule of Law: the strict execution of laws and other relevant regulatory legal acts by all governmental agencies, officials and others;
- Justice: the equal treatment of all bidders; the objective and impartial selection of the private partner; through fair and mutually beneficial cooperation between the public and private partners; by mutually agreed separation and distribution of powers, liabilities and risks; the equality before the law of the public and private partners;
- Transparency: access to information concerning PPP projects by the private and public partners at all stages of PPP on the conditions set forth in the legislation of the Kyrgyz Republic;
- Competition: the absence of discriminatory restrictions on participation in the bidding;
- Freedom of Contract: the right of the public and private partners to freely determine the rights and obligations of the parties to the PPP agreement, in addition to the rights and obligations of the parties set forth in the present Law and regulatory legal acts of the Kyrgyz Republic;
- Environmentally Friendly: the compliance of PPP projects with environmental protection requirements.

Article 5. Allocation of risks between public and private partners

1. The allocation of risks between the public and private partners is a mandatory condition of a PPP project.
2. Regulations and general guiding principles in respect of the procedure for determination and distribution of risks between the public and private partners shall be developed and enacted by the authorized public agency.

Article 6. Forms of private sector participation in PPP projects

The forms of private sector participation under PPP are diverse, depending on type of the infrastructure asset or infrastructure services, the industry it belongs to, the purpose of the PPP project and arrangements of the parties to the PPP agreement. Instructions on the form of private participation in PPP projects (or PPP models) by the private partner shall be developed and approved by the authorized public agency.

Article 7. Authorized public agencies in the sphere of PPP

The authorized public agencies responsible for State regulations in the sphere of PPP are the:

- Government;
- Authorized public agency;
- Public risk management unit;
- Public partners.

Article 8. Authority of the Government

The Government's authority in the sphere of PPP shall extend to the following matters:

- implementing and coordinating public policies and programs for PPP development in the Kyrgyz Republic;
- establishing the authorized public agency;
- identifying the public risk management unit;
- creating special funds, accumulating financial resources to ensure implementation of government commitments to their partners under PPP agreements;
- adopting regulations and other legal acts, which govern PPP stages and the monitoring and evaluation of PPP project implementation, and which are necessary for the implementation and uniform application of the provisions of this Law;
- approving the proposals submitted by the public partner for the initiation of PPP projects and tender documents for projects which are to be approved by the Government;
- exercising all other powers conferred by this Law.

Article 9. Authority of the authorized public agency

The authority of the authorized public agency shall include the following:

- implementing public policy and PPP development programs in the Kyrgyz Republic;
- submitting proposals to the Government on public policy and PPP development programs, or drafting and making amendments or supplements to regulatory legal acts of the Kyrgyz Republic on the PPP matters;
- submitting annual reports on implementation of public policy and PPP development programs to the Government;
- assisting the public partners in searching for, and selecting, prospective PPP projects, in preparing tender documents, and in implementing the PPP projects;
- evaluating proposals to initiate PPP projects and the tender documents prepared by the public partners;
- developing and adopting guidelines, instructions, regulations, rules and other documents necessary for the unified application of the provisions of this Law for PPP participants;
- providing clarification to all persons concerned regarding the implementation of policy and programs and the application of the PPP legislation;

- informing the public on all matters related to the PPP project preparation and implementation that are not related to proprietary information under the legislation of the Kyrgyz Republic;
- collecting and analyzing information about initiated and ongoing PPP projects;
- keeping a register of PPP projects;
- organizing PPP training for public partners, private partners and all stakeholders concerned with the implementation of PPP projects;
- exercising other powers conferred by this Law and PPP regulations adopted by the Government.

Article 10. Authority of the Public Risk Management Unit

The authority of the public risk management unit includes:

- Concurrence with PPP projects, tender documents and PPP agreements involving the provision of the government's financial support from the State budget;
- providing an opinion on the risks of the PPP projects which do not envisage the provision of the government's financial support from the State budget.

Article 11. Authority of the Public Partner

The authority of the public partner includes:

- preparing a PPP project;
- selecting the private partner;
- monitoring and evaluating PPP project implementation;
- exercising other powers conferred by this Law and regulations on PPP adopted by the Government.

Article 12. Government Financial Support

1. To assist in the implementation of PPP projects, the public partner may provide or help in the provision of government financial support to the private partner and/or project company.

2. The government financial support may be provided using the funds of the State and/or the municipal budget, or using special funds or by other means not prohibited by the legislation of the Kyrgyz Republic.

3. Government financial support to the private partner and/or project company may be provided in the following ways:

- 1) provision of loans on preferential terms necessary for PPP project implementation;
- 2) provision of bank guarantees;
- 3) provision of guarantees securing performance of the public partner's obligations;
- 4) provision of tariff subsidies;
- 5) provision of the financial resources necessary for PPP project implementation;
- 6) granting tax benefits and/or tax postponements and/or payment of tax by installments on terms and on conditions provided for in the legislation of the Kyrgyz Republic;

7) granting customs duties preferences and/or postponements and/or installments on terms and on conditions provided for in the legislation of the Kyrgyz Republic.

Article 13. Government Economic Support

1. To assist in the implementation of PPP projects, the public partner may provide, or help in the provision of, government economic support to the private partner and/or project company;

2. Government economic support to the private partner and/or project company may be provided in the following ways:

- 1) in addition to rights to an infrastructure asset, providing rights to other movable or immovable property in accordance with the legislation of the Kyrgyz Republic;
- 2) assisting in obtaining licenses, permits, approvals;
- 3) providing easements in respect of publicly and/or municipally owned movable or immovable property;
- 4) granting the right to collect tariffs and to generate revenues from other types of activities not directly associated with the implementation of the PPP project;
- 5) setting discounted rental payments for use of the publicly and/or municipally owned property;
- 6) granting of exclusive rights to engage in the activity in the framework of the concluded PPP agreement in accordance with the legislation of the Kyrgyz Republic;
- 7) providing other kinds of support on the part of the public partner that does not contradict the legislation of the Kyrgyz Republic.

Article 14. Government guarantees

For the purposes of guaranteeing the protection of private investments into the PPP project, the private partner and the project company shall be guaranteed:

- non-interference by the public partner with the business of the private partner and project company, except as stipulated in the PPP agreement and by the legislation of the Kyrgyz Republic;
- protection of the property of the private partner and project company from nationalization or any other measure of similar effect in the manner envisaged by the legislation of the Kyrgyz Republic;
- the right to freedom of ownership, use and disposal of the investments made in the PPP project and the revenues and profits received from such investments for the purposes not prohibited by the legislation of the Kyrgyz Republic;
- the right to free convertibility of the national currency of the Kyrgyz Republic into any other foreign currency and free export or repatriation of the currency received as a result of the implementation of the PPP project;
- the right to recover losses incurred as a result of unlawful action (inaction) of public and/or municipal authorities or their officials, which caused damages to the private partner and/or project company, in accordance with the conditions of the PPP agreement;
- the right to review the terms and conditions of the PPP agreement or early termination of the PPP agreement, and to obtain redress for damages caused, by the adoption of regulatory legal

acts entailing worse conditions for implementation of the PPP project by the private partner and/or project company in comparison to the terms of the PPP agreement.

Article 15. PPP Project Stages

1. The PPP project stages are:

- 1) PPP project preparation;
- 2) Private partner selection;
- 3) PPP project implementation.

2. PPP Project preparation includes identification and initiation of the PPP project, formation of the tender commission, preparation of tender rules and documents.

3. Private partner selection includes holding the tender, conducting negotiations and conclusion of the PPP agreement with the winning bidder.

4. PPP project implementation commences on the effective start date of the PPP agreement and ends on the date of its termination.

5. The public partners may engage independent consultants to prepare and carry out any PPP stage.

Article 16. PPP project identification and initiation

1. The PPP projects shall be identified and initiated by the public partner subject to the government and municipal programs for promotion of public-private partnership, socio-economic development programs, industry development programs and other national, regional and local development programs and plans.

PPP projects may be initiated by the Government. The projects initiated by the Government are transferred to the relevant public partner to perform all procedures required by the legislation to approve the PPP project.

2. For the purposes of initiating the PPP project, the public partner shall evaluate the prospective project, including its rationale and feasibility under PPP, the minimum requirements for the project, the types and conditions for providing government financial and/or economic guarantees and the development of other documents required under respective regulations approved by the Government and the authorized public agency.

3. Based on the documents and information mentioned in paragraph 2 of this Article, the public partner makes a decision to initiate a PPP project and notifies the authorized public agency of the decision.

4. The decision to initiate the PPP project by the public partner which involves the provision of government financial support from the State budget shall be approved by the public risk management unit.

5. In respect of Government approved projects, the decision to initiate the PPP project shall be made by the Government subject to the positive expert opinion of the authorized public agency, and in the case of requiring government financial support from the State budget, subject to a favourable opinion of the public risk management unit.

Article 17. Initiation of a PPP project by private partner

1. Private partners may apply to the public partner or the Government with a proposal to initiate a PPP project. The proposal must be accompanied by a preliminary feasibility study, a document confirming the private partner's expenses in preparing the preliminary feasibility study, the rationale for the application of PPP to the selected infrastructure, an environmental impact assessment and the main conditions of the PPP agreement. In addition to the said documents, the private partner may submit other documents relevant to the proposed PPP project.

The public partner must accept or reject the proposal within 60 days. If the proposal is rejected, the public partner must notify the private partner a notice of the reasons for rejection and return to the private partner all originals and copies of the earlier submitted documents.

The public partner may request for additional information only once. This request must be supported by the statement of reasons. The private partner must provide the requested information within 30 calendar days of the receipt of the request. If the public partner requests for additional information, the decision whether to accept or reject the proposal shall be made within 30 calendar days of the receipt of additional information from the private partner. If no additional information is received from the private partner within the aforementioned term, the decision whether to accept or reject the proposal shall be made within 30 calendar days following the expiration of the term for the provision of additional information.

2. In the event that the public partner accepts the proposal initiated by the private partner, the public partner shall notify the private partner and the authorized public agency of this decision. The selection of (a winning) private partner for the PPP project initiated by a private partner shall be made through a tender in the manner provided by this law and other regulations of the Kyrgyz Republic.

3. If the private partner which initiated the PPP project fails to win the tender, the winner of the tender must reimburse the private partner which initiated the PPP project for expenses incurred to prepare the preliminary feasibility study.

4. All documents and information provided by the private partner initiating the PPP project to the public partner shall be deemed confidential and used only to evaluate the proposal of the private partner to initiate the PPP project, unless the public and private partners agree otherwise.

Article 18. Preparation for private partner selection

If the PPP project initiation is approved, the public partner shall form the tender commission, develop the tender rules and tender documents. At the public partner's request, the authorized public agency shall assist the public partner in forming the tender commission and preparing the tender rules and tender documents.

Article 19. The Tender Commission

1. The authority of the tender commission shall extend to the holding of tender.

2. The tender commission shall be formed for each PPP project. The composition of the tender commission shall be formed and approved by the public partner. In respect of the projects to be approved by the Government, the tender commission shall be formed and approved by the Government.

The tender commission shall have an odd number of members of at least 5 people. The tender commission shall include a representative of the authorized public agency, a specialist

having experience and knowledge in respect of the relevant infrastructure asset, a specialist in the field of economics or finance, a specialist in the field of law, and a representative of the local community directly impacted by the PPP project. The members of the tender commission may be subject to qualification requirements approved by the authorized public agency. The members of the tender commission must not have conflict of interest in respect of the project concerned.

3. The procedure for formation, approval, as well as the operations and powers of the tender commission shall be in accord with this Law and regulations enacted by the Government.

Article 20. The Tender Process

1. The tender process shall consist of two stages: pre-qualification and selection of the winning bidder.

2. The tender commission shall pre-qualify private partners having sufficient capability and qualification necessary to implement the PPP project.

3. The tender commission shall publish an invitation to participate in the pre-qualification stage in the mass media and on the official website of the authorized public agency. The text of the invitation shall be in the state and official languages and where necessary in foreign languages. From the date of the publication of the invitation, the tender commission shall make the tender rules and tender documents publicly accessible. The bids for participation in the pre-qualification shall be submitted within 30 calendar days following the date of publication of the invitation to the tender.

4. Upon expiration of the term specified in paragraph 3 of this Article, the tender commission shall, within 30 calendar days, evaluate each private partner's pre-qualification bid. Based on the evaluation results, the tender commission shall send an invitation to participate in the winner selection stage of the tender to the pre-qualified private partners. The number of the pre-qualified private partners must not be less than 2. Otherwise, the tender shall be declared void.

5. The pre-qualified private partners shall submit their proposals within the term set by the tender commission but not less than 30 calendar days of receipt of the invitation to participate in the winner selection stage of the tender.

6. The tender commission shall evaluate the private partners' proposals within the time limits specified in the tender documents, but not more than 60 calendar days following the end date specified under Article 5. The proposals shall be evaluated in two stages. At the first stage, the tender commission shall assess whether the private partner meets the qualification requirements set forth in the tender documents. The proposals which do not meet the said requirements shall be rejected. The proposals selected at the first stage shall be evaluated at the second stage for compliance with social, financial and economic criteria set forth in the tender documents.

7. The tender commission shall announce the winning bidder within 5 working days of the tender commission's decision on selection of the winning bidder.

8. All documents and information provided to the tender commission by the tender participants shall be deemed confidential. The members of the tender commission shall be prohibited from providing the received documents (their copies) or information to third parties, including other private partners participating in the tender, or using such documents (their copies) or information for the purposes other than the evaluation of the proposals received during the tender.

9. The procedure for preparing the tender rules and tender documents are governed by this Law and regulations adopted by the Government.

Article 21. Parties to PPP Agreement and governing law applicable to a PPP agreement

The PPP agreement shall be concluded between the public partner and the private partner announced as the winning bidder. In addition to the said parties, the party to the agreement may be a project company. The PPP agreement shall be governed by the legislation of the Kyrgyz Republic.

Article 22. Mandatory provisions of a PPP agreement

The PPP agreement must contain the following mandatory provisions:

- Subject and object of the PPP agreement;
- Rights, obligations and liabilities of the parties;
- The term of the PPP agreement;
- The minimum scope, procedure of providing and quality standards of infrastructure services made and/or rendered in the process of the PPP project implementation, and the payment mechanisms for infrastructure services;
- terms and conditions of financing the PPP project;
- types and conditions of providing the government's financial and economic support, if any;
- distribution of risks, among the parties to the PPP agreement, associated with implementation of the PPP project;
- guarantees of performance of the agreement in respect of works and operation;
- procedure for application of tariffs or charges related to the infrastructure services, as well as methods and formulas of calculation of such tariffs or charges;
- procedure for possession and use of any infrastructure asset transferred by the public partner to the private partner in order to implement the PPP project;
- methods of securing the obligations of the parties to the PPP agreement;
- procedure for monitoring and evaluation of the PPP project;
- requirements for insurance of the PPP project;
- procedure for assignment of rights under the PPP project to financial institutions;
- procedure for return to the public partner of the infrastructure asset and other rights conferred in connection with the performance of the PPP agreement at the expiration of the agreement;
- environmental and operational safety requirements to be observed during the PPP project implementation;
- the procedure for resettlement and the payment of appropriate compensation if the PPP project involves the resettlement;
- actions of the parties in the event of force majeure;
- procedures for the compensation for damage caused by the adoption of the regulations worsening the PPP project implementation conditions for the private partner as compared to the conditions set forth in the PPP agreement;

- procedure and conditions for amending, extending and terminating the PPP agreement, including the grounds for early termination of the PPP agreement and the procedure for compensation for damage caused by the early termination of the PPP agreement;

- the governing law and mechanisms of resolution of disputes arising out of the PPP agreement and associated with the PPP project implementation.

Article 23. Other provisions of a PPP Agreement

In addition to mandatory provisions specified in Article 22 hereof, the PPP agreement may contain other provisions to the extent not contradicting the legislation of the Kyrgyz Republic.

Article 24. Time limits for executing a PPP agreement

1. The PPP agreement shall be concluded within not more than 60 calendar days after the winning bidder is publicly announced in mass media.

2. Unless otherwise specified in the PPP agreement the private partner must be provided not less than 120 calendar days from the date of the announcement of the winning bidder is published in mass media to complete the conclusion of agreements with a financial institution to finance the PPP project.

3. If upon expiration of the time limit specified in paragraph 1 of this Article, the winning bidder fails to sign the PPP agreement, the tender commission has a right to disqualify the winning bidder and announce the private partner who won the next place as the winning bidder.

4. When the winning bidder is announced by the tender commission, the public partner may not unilaterally refuse to conclude the PPP agreement, and the tender commission may not cancel the results of the tender except if the tender commission reveals that information provided by the bidder is misleading which is confirmed by a documentary evidence.

Article 25. Assignment of rights and obligations of private partner and project company under a PPP agreement

The rights and obligations of the private partner and the project company may be assigned to the financial institutions providing finance for the PPP project implementation with the prior written consent of the public partner.

Article 26. Term and extension of a PPP agreement

The PPP agreement can be concluded for a period of up to 50 years. The period of the PPP agreement may be extended in cases specified in the PPP agreement.

Article 27. Termination of a PPP agreement

The PPP agreement may be terminated in the following cases:

- upon expiration of the agreement;
- by mutual written consent of all parties to the agreement;
- by an initiative of one of the parties to the agreement in the manner required by the agreement;
- by a decision of a body or person authorized by the parties to resolve disputes;

- in the event the project company or private partner is dissolved or declared bankrupt (insolvent).

Article 28. Implications of termination of PPP agreement

1. If the PPP agreement is terminated, the private partner and the project company must undertake the following actions, unless otherwise stipulated in the PPP agreement:

1) transfer to the public partner of the infrastructure and other assets received from the public partner free and clear of any encumbrances or liens of third parties as provided by the agreement;

2) train personnel of the public partner in the operation and maintenance of the infrastructure asset;

3) ensure continuity of the provision of ancillary services and supply of resources including spare parts, if required, within a reasonable time after transfer of the infrastructure and other assets to the public partner.

2. The early termination of the PPP agreement due to the fault of one of the parties to the PPP agreement shall entail an obligation to compensate the other party for damages incurred.

Article 29. The Project Company

1. The private partner announced as the winning bidder has a right to establish a project company to implement the PPP project in accordance with the legislation of the Kyrgyz Republic.

2. The public partner may act as a co-founder of the project company, provided that its shareholding shall not exceed one third of the equity of the project company and such shareholding is not prohibited by the legislation of the Kyrgyz Republic. The requirements for the public partner in the project company must be stipulated in the tender documents and the PPP agreement.

3. Termination of project activities, the mortgage of property, transfer or pledge of shares (in property, shares) in the project company, change of the authorized (equity) capital of the project company shall be made with a prior written notice to the public partner and the authorized public agency, unless otherwise specified in the PPP agreement.

Article 30. PPP project financing

1. The private partner and the project company have the right to borrow, obtain loans or credit or to use other methods of financing the PPP project.

2. To finance the PPP project, the private partner may pledge its own property and use other methods of securing its obligations without consent of the public partner.

3. The publicly or municipally owned property transferred to the private partner or project company for temporary possession and use, may be pledged, unless otherwise provided in the PPP agreement.

Article 31. Rights of consumers of infrastructure services

1. Unless otherwise provided by the legislation of the Kyrgyz Republic or the PPP agreement, in the course of the PPP project implementation the project company must ensure an equal treatment of consumers of infrastructure services.

2. The relations between the project company and consumers of infrastructure services are subject to the legislation of the Kyrgyz Republic on consumer protection, technical regulation and other regulations.

Article 32. Monitoring and evaluation of PPP project implementation

1. Monitoring and evaluation of the PPP project shall be carried out by the public partner. The authorized public agency may also monitor and evaluate the PPP project.

2. Annually, by not later than the 1st of May each year, the private partner or the project company shall submit to the public partner and the authorized public agency a report on the PPP project and a financial report for the previous year. The annual report on the PPP project, if it is submitted by the project company, must be preliminarily confirmed by the private partner. The annual financial report must be preliminarily confirmed by an independent auditor.

3. The monitoring and evaluation procedures shall be regulated by this Law and regulations adopted by the Government and within the PPP agreement.

Article 33. PPP projects registry

1. The authorized public agency shall keep a registry of PPP projects.

2. The purpose of keeping the registry is to maintain the full, timely and accurate record of overall information on all PPP projects implemented in the Kyrgyz Republic.

3. The data contained in the registry shall be available to all interested parties. The rules for keeping the registry shall be adopted by the Government.

Article 34. Dispute resolution

1. All disputes arising out of or in connection with the procedure of selection of private partners shall be settled in the courts of the Kyrgyz Republic.

2. All disputes arising out of, or in connection with, the conclusion, performance and termination of the PPP agreement shall be settled by negotiation in accordance with provisions of the PPP agreement. If the dispute cannot be settled by negotiations, the dispute shall be settled by the body determined by the parties in the PPP agreement. The parties to the PPP agreement may determine that the courts of the Kyrgyz Republic or arbitration tribunals of the Kyrgyz Republic or international commercial arbitration institutions will be the acceptable venue for dispute resolution.

3. All disputes arising out of, or in connection with, the provision by the private partner or the project company of infrastructure services to consumers in the course of the PPP project implementation, shall be settled in the courts of the Kyrgyz Republic. When executing the PPP agreement, the public partner may demand that the private partner or the project company establish simple and efficient mechanisms to resolve such disputes as a method for pretrial dispute resolution.

Article 35. Entry into force of this Law

1. This Law shall enter into force upon expiration of three months following the date of the official publication.

2. The Government of the Kyrgyz Republic shall undertake the following within six months after the publication of this Law:

- 1) amend its regulatory legal acts to comply with this Law;
 - 2) ensure the enactment of the implementing regulations for this Law.
3. From the date of entry into force of this Law, the Law of the Kyrgyz Republic “On Public-Private Partnership in the Kyrgyz Republic” dated May 11, 2009 No. 154 (Bulletin of Jogorku Kenesh of Kyrgyz Republic, 2009, No5, page 471) shall be deemed null and void.

President of Kyrgyz Republic

A. Atambaev

City of Bishkek

27 February 2012

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