In accordance with the Law on Investments of the Republic of Lithuania, Item 10 of Paragraph 1 of Article 13 and Paragraph 8 of Article 15, the Law on Concessions of the Republic of Lithuania, Paragraph 1 of Article 28, and the Law on the Government of the Republic of Lithuania, Item 15 of Article 22 and Paragraphs 1, 4 and 5 of Article 27, the Government of the Republic of Lithuania decides:

1. To approve the rules of the preparation and implementation of the projects of the Public-Private Partnership projects (attached).

2. To form the Public-Private Partnership Projects Commission (henceforth – the Commission):
   The Chancellor of the Government (the Chairman of the Commission);
   The Vice Minister of Finance (the Deputy Chairman of the Commission);
   The Adviser to the Prime Minister
   The Representative of the Government Office of the Republic of Lithuania;
   The Representative of the Ministry of Finance;
   The Representative of the Ministry of Transport and Communications;
   The Representative of the Ministry of Economy;
   The Representative of the Ministry of Justice;
   The Representative of Statistics Lithuania;
   The Representative of the Public Institution Central Project Management Agency;
   The Representative of the Public Institution "Invest Lithuania".

3. To establish that the Commission:
   3.1. submits the proposals to the Government of the Republic of Lithuania on the expediency of the application of the Public-Private Partnership, implementing the investment projects of the central government;
   3.2. considers the annual report of the concluded Public-Private Partnership agreements and their implementation, submitted by the Ministry of Finance to the Government of the Republic of Lithuania and, if necessary, submits the proposals to the Government of the Republic of Lithuania on the implementation of the projects of the Public-Private Partnership;
   3.3. if necessary, submits the proposals on the implementation of the projects of the Public-Private Partnership to the institutions of the central government, implementing the projects of the Public-Private Partnership.

4. To assign the Commission to approve its rules of the procedure.
5. To assign the Prime Minister to approve the personal composition of the Commission.
6. To assign the Ministry of Finance:
   6.1. REPEALED:
   By resolution No. 1363 of 03/12/2014 (from 01/01/2015) (The Register of Legal Acts, 2014, No. 2014-19146)
   6.2. To service the Commission technically.

7. To assign the Ministry of Finance:
2. By resolution No. 1363 of 03/12/2014 (from 01/01/2015)

To assign the Ministry of Finance, the Ministry of Transport and Communication, the Ministry of Economy, the Ministry of Justice, Statistics Lithuania, the Public Institution Central Project Management Agency, the Public Institution “Invest Lithuania” to appoint to the Commission their representatives and to notify about that the Government Office of the Republic of Lithuania.

8. To suggest the institutions, implementing the projects of the Public-Private Partnership to apply to the Public Institution Central Project Management Agency on methodical and advisory assistance in the preparation and implementation of the projects of the Public-Private partnership.

9. AMENDED:
By resolution No. 1535 of 23/11/2009 (from 01/01/2010)
(Official Gazette, 2009, No. 141-6227)

This resolution and the rules of the preparation and implementation of the projects of the Public-Private Partnership, approved by it, are not applied to the selection of the strategic investor, provided in the Law on the Nuclear Power Plant of the Republic of Lithuania in accordance with the procedure, established by the Law on Concessions of the Republic of Lithuania and to the granting of concession to the company, implementing the project, established by the Law on the Nuclear Power Plant of the Republic of Lithuania.

10. AMENDED:
By resolution No. 1535 of 23/11/2009 (from 01/01/2010)
(Official Gazette, 2009, No. 141-6227)

This resolution enters into force on 1 January, 2010.

THE PRIME MINISTER
ANDRIUS KUBILIUS

THE MINISTER OF FINANCE
INGRIDA ŠIMONYTĖ

APPROVED
By Resolution No. 1480 of 11 November, 2009 by the Government of the Republic of Lithuania

NEW VERSION from 01/01/2015

INFOLEX NOTE: resolution No. 1363 of 03/12/2014 (The Register of Legal Acts, 2014, No. 2014-19146) provides that in cases where the institution, implementing the project of the Public-Private Partnership has submitted or submitted the project of the Public-Private Partnership in order to receive a conclusion or an opinion of the Ministry of Finance of the Republic of Lithuania, the rules of the preparation and implementation of the projects of the Public-Private Partnership, applicable until the day of entry into force of resolution No. 1363 are applied, and the rules of the preparation and implementation of the projects of the Public-Private Partnership, approved by this resolution, are started to apply after the commencement of the implementation of such projects.


CHAPTER I
GENERAL PROVISIONS

1. The rules of the preparation and implementation of the projects of the Public-Private Partnership (hereinafter - the Rules) regulate the preparation, submission, evaluation of the projects of the Public-Private Entities Partnership and the concession projects, the adoption, implementation of the decisions on the implementation of the projects, the rights, obligations and responsibility of the institutions, participating in the partnership process of the projects of the Public-Private Partnership (hereinafter – the Partnership).
2. **AMENDED:**

By resolution No. 767 of 29/07/2015 (from 05/08/2015)
(The Register of Legal Acts, 2015, No. 2015-11950)

The Rules are followed by the public sector entities that have the right to conclude partnership agreements: the partnership agreements of the public and private entities and concession agreements, and private entities.

3. The Partnership project, implemented as the investment project of the information society development, must be coordinated with the Information Society Development Committee under the Ministry of Transport and Communication.

4. The implementation of the Partnership project must be provided in the applicable strategic action plans and (or) in the inter-institutional action plans, and (or) in the municipal medium or short-term strategic planning documents.

4.1 **AMENDED:**

By resolution No. 767 of 29/07/2015 (from 05/08/2015)
(The Register of Legal Acts, 2015, No. 2015-11950)

Private entities have the right to initiate (to propose to implement) (hereinafter – to initiate) new partnership projects or the partnership projects, planned to be implemented in accordance with the requirements, established in Item 4 of the Rules, for which the investment project is not prepared by submitting the partnership project initiation proposal to the competent state or municipal institution (carrying out the assigned statutory functions).

5. For the preparation of the partnership project and the implementation to coordinate the project, the implementing institution must appoint or employ, or select by the public open tender a responsible person (a project manager) and, if necessary, a group of persons (the project management group), accountable to the project manager, who, among other assigned functions of the preparation and implementation of the partnership project, are involved in the activity of the commissions and (or) working groups, set up for the implementation of the partnership project (for example, the preparation of the necessary documents, the organization of the public procurements).

6. **AMENDED:**

By resolution No. 767 of 29/07/2015 (from 05/08/2015)
(The Register of Legal Acts, 2015, No. 2015-11950)

The definitions, used in the rules:

6.1 **The proposal of the partnership project initiation** – the document of the form, approved by the Public Institution Central Project Management Agency (hereinafter – the CPMA), completed by a private entity, which contains information about the initiated partnership project.

6.2 **The questionnaire of partnership** – the document of the form, approved by the CPMA, completed by the institution, implementing the partnership project, containing questions on the partnership application peculiarities and the benefits of partnership.

6.3 **The institution, implementing the partnership** – the government body, when due to the implementation of the partnership project, it is planned to conclude the Public-Private Entities Partnership agreement or when it is concluded, or the providing institution, when due to the implementation of the partnership project, it is planned to conclude the concession agreement or when it is concluded.

6.4 **The methodical documents of the preparation and implementation of the partnership projects** (hereinafter – the methodical documents) – the recommendations of the preparation and implementation of the partnership projects, approved by the CPMA.

6.5 Other definitions, used in the Rules are understood as they are defined in the Law on the Investments of the Republic of Lithuania (hereinafter – the Law on Investments), the Law on Concessions of the Republic of Lithuania (hereinafter – the Law on Concessions), the State Debt Law of the Republic of Lithuania, the Law on the Public Procurement of the Republic of Lithuania (hereinafter – the Law on Public Procurement) and the Law on the Public Sector Accountability of the Republic of Lithuania.

7. **REPEALED:**

By resolution No. 767 of 19/07/2015 (from 05/08/2015)
(The Register of Legal Acts, 2015, No. 2015-11950)

CHAPTER II
THE PREPARATION, SUBMISSION, EVALUATION OF THE CENTRAL GOVERNMENT PARTNERSHIP PROJECTS AND ADOPTION OF THE DECISIONS ON THE IMPLEMENTATION OF THE PROJECT
8. In accordance with methodical documents, the institution, implementing the central government partnership project, implements the investments project and evaluates whether it can be implemented through partnership. After establishing that the investment project can be implemented through partnership, in accordance with the methodical documents, the institution, implementing the central government partnership project, completes the questionnaire of the partnership. In the case of the absence of the planned investment, the investment project is not prepared, and in accordance with methodical documents, the institution, implementing the central government partnership project, completes only the partnership questionnaire.

9. Having prepared the documents, specified in Item 8 of the Rules, the institution, implementing the central government project, agrees about them with the founder, except for the cases, when the founder of the institution, implementing the central government partnership project is the Seimas of the Republic of Lithuania or the Government of the Republic of Lithuania.

10. The institution, implementing the central government partnership project submits the investments project, prepared in accordance with Item 8 of the Rules and the completed partnership questionnaire or only the partnership questionnaire, in the absence of the planned investments, for the evaluation to the CPMA.

11. Within 30 days from the receipt of the documents, specified in Item 10 of the Rules, the CPMA evaluates whether they were prepared in accordance with the methodical documents and submits its opinion on the compliance of the documents to the methodical documents (hereinafter – the CPMA opinion) to the institution, implementing the central government partnership project.

12. If there is indicated in the CPMA opinion that the submitted documents are in compliance with the methodical documents, within 30 days of the receipt of the CPMA opinion, the institution, implementing the central government partnership project, submits the received opinion, the investments project and (or) the partnership questionnaire to the Public-Private Partnership Projects Commission through the Ministry of Finance of the Republic of Lithuania (hereinafter – the Ministry of Finance).

13. If there is indicated in the CPMA opinion that the submitted documents are not in compliance with the methodical documents, considering the recommendations, provided in the opinion, the institution, implementing the central government partnership project, revises them and repeatedly submits for the evaluation to the CPMA, and it provides its opinion in accordance with the procedure, established in Item 11 of the Rules.

14. Having received the documents, specified in Item 12 of the Rules, not later than 5 working days before the meeting of the Commission, in accordance with the procedure, established in the work regulations of the Commission, the Ministry of Finance prepares and together with the documents received, provides to the Commission the information about the financial possibilities of the institution, implementing the central government partnership project, to undertake the obligations under the partnership agreement and organizes the meeting of the Commission.

15. The Commission examines the documents, specified in Items 12 and 14 of the Rules and the information, and in accordance with the procedure, established in its work regulations, submits to the Government of the Republic of Lithuania the proposal on the expediency of the application of the partnership, while implementing the central government investments project. The proposal of the Commission is formalized in the minutes of the Commission meeting. Within 5 working days from the meeting of the Commission, the Ministry of Finance sends the record of this minutes to the institution, implementing the central government partnership project.

16. After the Commission submits the proposal for the approval of the expediency of the application of the partnership in the implementation of the central government investments project, the institution, implementing the central government partnership project or the ministry of the respective management area, if in accordance with the procedure, established by the Law on the Government of the Republic of Lithuania, the institution, implementing the central government partnership project has no right to submit the draft resolutions of the Government of the Republic of Lithuania, within 30 days from the adoption of the proposal of the Commission, prepares the implementation project of the resolution on the partnership project and in accordance with the procedure, established by work regulations of the Government of the Republic of Lithuania, approved by resolution No. 728 of 11 August, 1994 of the Government of the Republic of Lithuania “On the approval of work regulations of the Government of the Republic of Lithuania, submits to the Government of the Republic of Lithuania together with the partnership agreement and the Commission’s proposal.

17. After the Commission submits the proposal not to approve the expediency of the application of the partnership in the implementation of the central government investments project, such partnership project is not implemented.

18. The resolution on the implementation of the partnership project is adopted by the Government of the Republic of Lithuania, except for the case, specified in Item 17 of the Rules.

19. The resolution on the implementation of the partnership project, under which the state pecuniary liabilities are greater than the estimated amount in the Law on the Investments or in the Law on Concessions, is adopted by the Seimas of the Republic of Lithuania on the proposal of the Government of
the Republic of Lithuania. The proposal of the Government of the Republic of Lithuania must contain the following data: the name and purpose of the partnership project, the partnership method, applied to the partnership project and the highest pecuniary liabilities of the state that the state can undertake, other conditions of the partnership project can be additionally specified.

20. The resolution of the Government of the Republic of Lithuania on the implementation of the partnership project must include:

20.1. the institution, implementing the partnership project is authorized to sign the partnership agreement;
20.2. the name and purpose of the partnership project;
20.3. the partnership method, applied to the partnership project;
20.4. the longest period of the partnership agreement;
20.5. the activity, transferred to the private subject, when the partnership project is implemented through the Public-Private Partnership or the activity, for the implementation of which the permit will be given to the concessionaire, when the partnership project is implemented by granting concession;
20.6. the planned major state pecuniary liabilities, which are calculated at nominal value, considering the risk value of the investments project, expressed in discounted value;
20.7. if necessary, the data on the property, transferred to a private entity for the management and use, necessary for the implementation of the partnership project;
20.8. other important conditions of the partnership project.

21. If the Government of the Republic of Lithuania or the Seimas of the Republic of Lithuania adopts a resolution on the implementation of the partnership project, not later than within 120 days from the adoption of such a resolution, the institution, implementing the central government partnership project shall commence procurements, necessary for the implementation of the project – the procurement of services and works, carried out in accordance with the Law on Public Procurements, when the partnership project is implemented through the Public-Private Partnership or granting the concession, carried out in accordance with the Law on Concessions, when the partnership project is implemented by granting the concession (hereinafter – the procurements). The term of carrying out the procurements, necessary for the implementation of the partnership project established in this Item of the Rules by the motivated resolution of the head of the institution, implementing the central government partnership project, can be extended for a period, not exceeding one year. If the institution, implementing the central government partnership project, does not start to carry out procurements within the period, established in this Item of the Rules, it applies to the Commission, and it submits proposals on the further implementation of such partnership project in accordance with the procedure, established in its working regulations. The start of the procurements, established in this Item of the Rules, necessary for the implementation of the partnership project, does not preclude to carry out the procurements, necessary for the implementation of the partnership projects, carried out in stages, when firstly it is intended to obtain the documents, necessary for the adoption of the decisions on the implementation of the partnership project, preparation services, and other stages are carried out after the Government of the Republic of Lithuania or the Seimas of the Republic of Lithuania adopt resolutions on the implementation of the partnership project.

22. Implementing the procurement procedure, the institution, implementing the central government partnership project, prepares the procurement documents and submits them to the CPMA. After evaluating the compliance of the procurement documents to the methodical documents, within 10 days from the receipt of the procurement documents, the CPMA submits the opinion on the compliance of the documents to the methodical documents to the institution, implementing the central government partnership project.

23. Implementing the procurement procedure, the institution, implementing the central government partnership project, prepares the project of the partnership agreement and submits it to the Ministry of Finance:

23.1. if the procurements are organized by an open tender or a restricted tender, the project of the partnership agreement is submitted before announcing the information about the procurement;
23.2. if the procurements are organized by the competitive dialogue, the project of the partnership agreement is submitted by the end of the dialogue;
23.3. if the procurements are organized by negotiations, the project of the partnership agreement is submitted before the end of the negotiations;
23.4. if the tender is carried out for the granting of the concession or the concessions are granted without a tender, the project of the partnership agreement is submitted before the end of the negotiations with the participant of the tender.

24. In accordance with the decisions of the European Union’s Statistical Office (Eurostat) and the provisions of the government deficit and debt guide, prepared by this office, published on the website http://epp.eurostat.ec.europa.eu Within 30 days from the receipt of the project of the partnership agreement, the Ministry of Finance evaluates the financial conditions, specified in the project of the partnership agreement in terms of the requirements of fiscal discipline and submits its conclusion – approval or disapproval to the financial conditions (hereinafter – the conclusion of the Ministry of Finance) to the institution, implementing the central government partnership project.
25. If the financial conditions, specified in the project of the partnership agreement, are approved in the conclusion of the Ministry of Finance, the institution, implementing the central government partnership project, continues to conduct the procurement procedures and in the case when the financial conditions, specified in the project of the partnership agreement, are in compliance with the conditions, established in the resolution of the Government of the Republic of Lithuania or the Seimas of the Republic of Lithuania on the implementation of the partnership project, signs the partnership agreement and implements the partnership project. If the financial conditions, specified in the project of the partnership agreement, are disapproved in the conclusion of the Ministry of Finance, the institution, implementing the central government partnership project submits to the Ministry of Finance the revised project of the partnership agreement for the repeated evaluation or terminates the procurements. If the financial conditions, specified in the project of the partnership agreement are not in compliance with the conditions, established in the resolution of the Government of the Republic of Lithuania or the Seimas of the Republic of Lithuania on the implementation of the partnership project, the institution, implementing the central government partnership project, terminates the procurements. The procurements are terminated in accordance with the procedure, established in the Law on the Public Procurements or Law on the Concessions.

26. Preparing the conclusion, the Ministry of Finance has the right to invite the Statistics Lithuania to participate in the evaluation of the project of partnership agreement. In such case the term for the drawing of the conclusion, specified in Item 24 of the Rules, can be extended to 90 days, and on the reasoned request of the Statistics Lithuania – to the period of not more than 180 days.

CHAPTER III

27. In accordance with methodical documents and Item 8 of the Rules, the institution, implementing the local government partnership project, prepares the investment project and completes the partnership questionnaire or only completes the partnership questionnaire in the absence of the planned investments and these documents are provided by the CPMA, which carries out the evaluation and provides the opinion in accordance with Item 11 of the Rules.

28. Having received the CPMA opinion on the compliance of the documents to the methodical documents, within 30 days of the receipt of the CPMA opinion, the institution, implementing the local government partnership project, prepares the draft resolution on the expediency of the partnership project and submits it to the municipal council. The data, specified in subitems 20.1-20.8 of the Rules are submitted in the draft resolution on the expediency of the partnership project.

29. If the municipal council adopts a decision on the expediency of the partnership project, within 90 days from adopting such a decision, the institution, implementing the local government partnership project, shall prepare the procurement documents and submit them to the CPMA, which, in accordance with Item 22 of the Rules, submits the opinion on the compliance of the documents to methodical documents and having received the CPMA opinion, submits to the municipal council for the approval the procurement conditions of the partnership project, the main conditions of the partnership agreement and the procurement method, when the partnership project is implemented through the Public-Private Partnership or to establish the stages of the tender, when the partnership project is implemented by granting the concession. The data, specified in this Item of the Rules can be approved together with the decision, specified in Item 28 of the Rules.

30. If the municipal council adopts the data, specified in Item 29 of the Rules, not later than within 120 days of the adoption of such decision, the institution, implementing the local government partnership project, shall commence the carrying out the procurements, necessary for the implementation of the partnership project, in accordance with Item 23 of the Rules, prepares the project of the partnership agreement and submits it to the Ministry of Finance and in accordance with Items 24 and 26 of the Rules, it submits the opinion on the financial conditions, specified in the project of the partnership agreement (hereinafter-the opinion of the Ministry of Finance). If within 120 days from the adopting the decision, specified in Item 29 of the Rules, the institution, implementing the local government partnership project, does not commence the carrying out the procurements, the municipal council shall extend this period or in accordance with the procedure, established in Item 29 of the Rules, approves new procurement conditions of the partnership project, the main conditions of the partnership agreement and the procurement method, when the partnership project is implemented through the Public-Private Partnership or establishes the stages of the tender, when the partnership project is implemented by granting the concession. The commencement of the procurements, established in this Item of the Rules, does not preclude carrying out the procurements, necessary for the implementation of the partnership projects. The procurements are carried out by stages, when firstly it is intended to obtain the documents, necessary for the adoption of the decisions on the implementation of the partnership project, the preparation services, and other stages are carried out after the municipal council adopts the decisions, specified in Items 28 and 29 of the Rules.
31. Having received the opinion of the Ministry of Finance, the institution, implementing the local government partnership project, submits the project of the partnership agreement together with the opinion of the Ministry of Finance to the municipal council.

32. After the municipal council approves the submitted project of the partnership agreement, the institution, implementing the local government partnership project signs the partnership agreement and implements the partnership project.

33. If the municipal council disapproves the submitted project of the partnership agreement, the institution, implementing the local government partnership project, shall revise the project of the partnership agreement and shall submit it for the repeated evaluation to the Ministry of Finance, and having received the opinion of the Ministry of Finance, submits the revised project of the partnership agreement to the municipal council or terminates the procurements. The procurements are terminated in accordance with the procedure, established in the Law on the Public Procurements or the Law on the Concessions.

34. Having received the municipal inspector's conclusion, in which, among other aspects, the legality of the application of the partnership and economic-social benefit, provided by the partnership, must be proved, the municipal council shall adopt the decisions, specified in Items 29, 32 and 33 of the Rules.

CHAPTER IV
THE IMPLEMENTATION OF PARTNERSHIP PROJECTS

35. The partnership project commences to be implemented after the partnership agreement enters into force.

36. The disputes relating to the implementation of the partnership agreement are settled in accordance with the procedure, established in the partnership agreement.

37. During the period of the project implementation, should the need arises to amend or terminate the signed partnership agreement, this agreement is amended in accordance with the conditions, established in the partnership agreement. If the provisions of the partnership agreement, regulating the financial conditions, are amended, for such amendments it must be received:

37.1. in accordance with Items 24-26 of the Rules, the conclusion of the Ministry of Finance is submitted, when the partnership project is implemented by the institution, implementing the local government partnership project;

37.2. in accordance with Item 30 of the Rules, the opinion of the Ministry of Finance is submitted, when the partnership project is implemented by the institution, implementing the local government partnership project.

CHAPTER V
RESPONSIBILITY AND THE PROVISION AND ANNOUNCING OF INFORMATION

38. the institution, implementing the partnership project, is responsible for:

38.1. the initiation of the partnership projects;

38.2. the preparation of the investments project, the completing of the partnership questionnaire, the preparation of the partnership agreement and the validity of the data, indicated in these documents;

38.3. the carrying out of the procurements, necessary for the implementation of the partnership agreement;

38.4. the conclusion of the partnership agreement and fulfillment of its provisions;

38.5. the providing of the information about the preparation and implementation process of the partnership projects.

39. The institution, implementing the partnership project, submits the information about the process of the preparation and implementation of the partnership project in accordance with the rules on the information about the process of the preparation and implementation of the projects of the Public-Private Partnership, approved by the order of the Minister of Finance.

40. The Ministry of Finance:

40.1. is responsible for the evaluation of financial conditions of the project of the partnership agreement and the proposed amendments of the partnership agreement;

40.2. collects, systematizes, stores and manages the information received about the process of the implementation of the partnership projects;

40.3. submits to the Government of the Republic of Lithuania an annual report of the concluded partnership agreements and their implementation, the form of which is approved by the Minister of Finance.

41. The CPMA is responsible for:

41.1. the preparation of the methodical documents, that are in compliance with legal acts and the best practice of the preparation of the partnership projects and implementation practice and their publication on the website www.ppplietuva.lt
41.2. the evaluation of the compliance of the documents of the investments projects, partnership questionnaires and procurements to the methodical documents;

41.3. the publication of the information of the process of the preparation and implementation of the partnership projects on the website www.ppplietuva.lt.

42. the funds, necessary for the implementation of the partnership projects, planned in accordance with legal acts, regulating the preparation, approval and enforcement of the state budget and municipal budgets.

43. In accordance with the procedure, established in legal acts, the Statistics Lithuania submits the conclusion on the sharing of risk impact on the government sector deficit and debt indexes, specified in the partnership agreement to the EU statistical office (Eurostat).