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Public-private partnerships in the EU: experience and future trends

Development of the PPP in Slovenia

International Conference program
"PPP Days in the Perm Region. EU Experience"

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Institutes Act -1991

Institutes Act (*Zakon o zavodih*),
Official Gazette of the Republic of Slovenia, Nr. 12/91, 45/94, 8/96, 31/00, 36/00.

- **Public institute** (*javni zavod, Anstalt des öffentlichen Rechts, établissements de droit public*)
- **Concession**

Services of General Economic Interest Act (SGEI Act) - 1993

Services of General Economic Interest Act (*Zakon o gospodarskih javnih službah*), Official Gazette of the Republic of Slovenia, Nr. 32/93, 30/98.

- **Administrative department of public utilities** (*režijski obrat*)
- **Public commercial institute** (*javni gospodarski zavod*)
- **Public undertaking** (*javno podjetje*)
- **Concession**

Public-Private Partnership Act (PPP Act) - 2006

Public-Private Partnership Act, Official Gazette of the Republic of Slovenia, Nr. 127/06.

In English language:

<https://ppp.worldbank.org/public-private-partnership/library/slovenia-public-private-partnership-act-zjzp-2006>.



Main features

- Green Paper on Public-Private Partnership /.../, COM (2004) 327 final, 30.4.2004
- Crown Act
- Wide definition of the PPP (Article 2)
- Main principles:
 - Balance
 - Collaboration
 - Equality
 - Transparency
 - Proportionality
 - Competition



Definition

Article 2

(public-private partnership)

Public-private partnership represents a relationship involving private investment in public projects and/or public cofinancing of private projects that are in the public interest, and such relationship is formed between public and private partners in connection with the construction, maintenance and operation of public infrastructure or other projects that are in the public interest, and in connection with the associated provision of commercial and other public services or activities provided in a way and under the conditions applicable to commercial public services, or of other activities where their provision is in the public interest, or other investment of private or private and public funds in the construction of structures and facilities that are in part or entirely in the public interest, or in activities where their provision is in the public interest.

Possible forms

- **Contractual Partnerships:**
 - Concession,
 - Public procurement partnership.
- **Institutional or equity partnerships**, that can be established:
 - by founding a new legal entity;
 - through the sale of an interest by the public partner in a public company or other entity of public or private law;
 - by purchasing an interest in an entity of public or private law, recapitalisation or
 - in another manner /.../.



The Procedure

- Phase 1: preliminary procedure,
- Phase 2: public tender,
- Phase 3: selection of public-private partnership contractor.



Competitive Dialogue

...irrespective of the form and the regulation of the public-private partnership procedure in a special act in selecting a public-private partnership contractor the procedure of competitive dialogue may be used for selecting the most economically advantageous bid ...



Role of the Promoter

Promoter is a legal or natural person with a specific interest in pursuing public-private partnership who submits an application detailing such interest in operating a public private partnership.

Certain Concession Contracts Act - 2019

Zakon o nekaterih koncesijskih pogodbah (Official Gazette of the Republic of Slovenia, Nr. 9/19)

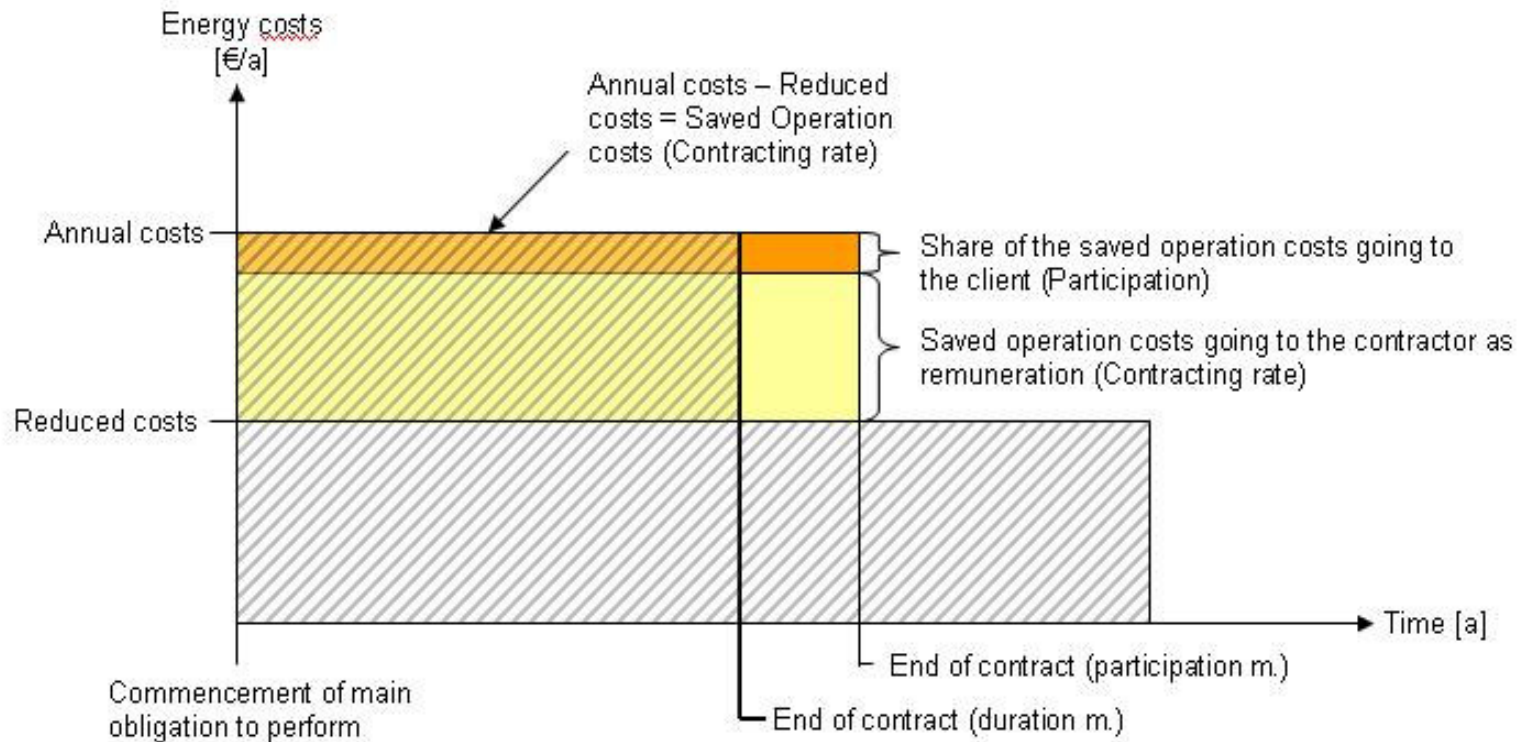
1. člen (vsebina zakona)

Ta zakon ureja nekatere koncesijske pogodbe za gradnje in koncesijske pogodbe za storitve v skladu z **Direktivo 2014/23/EU** Evropskega parlamenta in Sveta z dne 26. februarja 2014 o podeljevanju koncesijskih pogodb (UL L št. 94 z dne 28. 3. 2014, str. 1), zadnjič spremenjeno z Delegirano uredbo Komisije (EU) 2017/2366 z dne 18. 12. 2017 o spremembi Direktive 2014/23/EU Evropskega parlamenta in Sveta glede mejnih vrednosti za uporabo v postopkih za oddajo naročil (UL L št. 337 z dne 19. 12. 2017, str. 21), (v nadaljnjem besedilu: Direktiva 2014/23/EU).

Where are we?

- PPPs in Slovenia are still mainly being performed at the local level
→ Institute for Public - Private Partnership has helped to establish cca. 100 PPP in last 10 years in various sectors
- on the State level we do not have any significant projects despite the relatively good and modern regulatory framework → STRATEGY, PIPELINE MISSING
- major step forward under Energy Performance Contracting PPP model on local level:
 - street lighting
 - energy retrofit of public buildings
 - eMobility

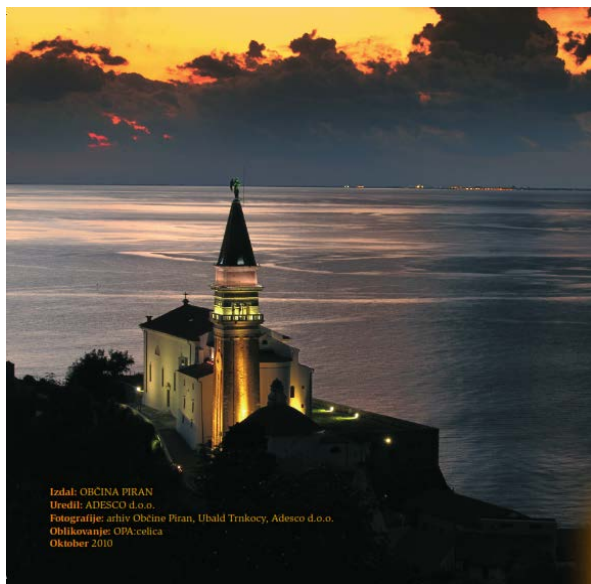
Energy Performance Contracting



* Source: Guideline for Saving Contracting in Street Lighting, 2006.

Energy Performance Contracting (EPC) / Energy Saving Company (ESCO)

2010 - 2014



2014 - 2020

How to make an old castle on a hill cozy and warm



Ljubljana's public buildings were cold, leaky and expensive to heat. The ELENA programme financed a Slovenia energy efficiency makeover.

2021 - 2027



28. 12. 2020

E-mobilnost v polnem zamahu

V Mestni občini Kranj so danes prevzeli prvih 12 električnih vozil, pred kratkim pa vzpostavili tudi dve javni polnilnici. S tem so tudi uradno zagnali projekt električne mobilnosti, ki za prihodnjih 15 letih v sodelovanju z zunanjim izvajalcem predvideva menjavo voznega parka z e-vozili skupaj s polnilnicami, javno mrežo električnih polnilnih postaj in nazadnje tudi postavitev sončnih elektrarn z lokalnimi hranilniki električne energije. S tem bo Kranj postal še bolj energetsko nevtralen, okolje bo bolj čisto, posredno pa boljše tudi zdravje občank in občanov.



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