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The law of the Republic of Kazakhstan on Public-Private Partnership

Chapter 1. General Provisions

Article 1. General Definitions Used in the Law

The following definitions are used in this Law:

- 1) potential private partner - a private partner claiming to participate in a tender or direct negotiations on determining a private partner;
- 2) private partner - an individual entrepreneur, simple partnership, consortium or legal entity, except for entities acting as public partners under this Law, entered into a public-private partnership agreement;
 - 2-1) account designated to debit compensation of investment costs - a bank account to be opened to a private partner by a lender with limitation of its right to withdraw from the account until conditions envisaged under a factoring agreement and (or) public-private partnership agreement are met or occurred;
- 3) tender organiser or direct negotiations - a public partner organising and holding a tender or direct negotiations to determine a private partner, except for cases involving provision of state support measures and (or) making payments from the state budget when a tender organiser or direct negotiations is a central state authority or local executive authorities of regions, cities of republican significance and the capital according to their competence as provided by this Law;
- 4) availability payment - a cash payment made at the expense of budgetary funds, in accordance with a public-private partnership agreement, for ensuring operational and quality characteristics of a public-private partnership facility, as well as availability of this facility to consumers in view of individual technical and economic parameters of a public-private partnership facility;
- 5) public partner - the Republic of Kazakhstan, on which behalf state authorities, state agencies, state enterprises, as well as limited liability partnerships and joint stock companies, where fifty or more percent of interests in a charter capital or voting shares are directly or indirectly owned by the state, entered into a public-private partnership agreement;
- 6) public-private partnership - a form of cooperation between a public partner and private partner, which meets criteria established by this Law;
- 7) advisory support of public-private partnership projects - services provided by legal entities engaged in provision of legal support to public-private partnership projects to be defined by the Government of the Republic of Kazakhstan or local executive authorities of regions, cities of republican importance and the capital, including the development of tender documentation of a public-private partnership project, draft public-private partnership agreement, as well as advisory services in the negotiation process between subjects of public-private partnership;
- 8) public-private partnership project - a set of successive activities for implementation of public-private partnership performed for a limited period of time and being of a completed nature, in accordance with this Law and the budget legislation of the Republic of Kazakhstan;

9) recovery of investment costs under a public-private partnership project - cash payments made at the expense of budget funds aimed at recovering a certain amount of investment costs, in accordance with a public-private partnership agreement;

10) recovery of operating costs under a public-private partnership project - cash payments made at the expense of budget funds aimed at recovering costs of a private partner related to operation of a public-private partnership facility, in accordance with a public-private partnership agreement.

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