

# **PUBLIC PRIVATE PARTNERSHIP ACT**

**(Official Gazette 78/2012 and 152/2014 - unofficial consolidated version)**

## **PART I**

### **GENERAL PROVISIONS**

#### *Subject matter of the Act*

##### **Article 1**

- (1) This Act regulates:
1. procedure of preparing and approving the proposals for public private partnership projects, supervision of implementation of private public partnership projects, content of public-private partnership contracts, issues concerning small value public private partnership projects and other important issues;
  2. the competencies of the Agency for Investments and Competitiveness (hereinafter: Agency) in the implementation of this Act.
- (2) Issues not regulated by this Act shall be governed by the special acts and other regulations of the Republic of Croatia.

#### *Definition of public private partnership*

##### **Article 2**

- (1) For the purpose of this Act public private partnership (hereinafter: PPP) is the long-term contractual relationship between the public and the private partner subject of which is construction and/or reconstruction of public infrastructure, for the purpose of rendering public services within the area of the public partner's competence.
- (2) During implementation of PPP model, private partner assumes from the public partner obligations and risks regarding building process and at least one of the following risks: public building availability risk and demand risk.
- (3) Public body may, in accordance with the purpose of PPP project, allow the performance of commercial activities aimed to collect revenues from the third persons on the market. If the performance of commercial activities is not agreed upon, it is not allowed.

- (4) Contractual public private partnership is a model of PPP where the mutual relationship between a public partner and the Special Purpose Vehicle is regulated by public private partnership contract.
- (5) Institutionalised public private partnership is a PPP model based on a membership relationship between the public partner and private partner in a joint company entrusted with the implementation of the PPP project.
- (6) For the purpose of implementation of PPP projects, the public and private partners conclude a PPP contract regulating their mutual rights and obligations.
- (7) The public partner may permit the establishment of the right of construction to the benefit of the private partner, without compensation. All issues pertaining to establishment, or the transfer of the right to construction and granting of concessions, including the amount of compensation, shall be regulated by a contract between the public and private partners.
- (8) The object of PPP may not exclusively be delivery of goods or a concession for the economic use of a public or some other good.
- (9) Basic principles in preparing and implementing PPP projects are the principle of public procurement, principle of protection of public interest and the principle of cost-effectiveness.

### ***Basic terms***

### **Article 3**

For the purposes of this Act, the following terms have the following meanings:

1. *A PPP project* is a project approved by the Agency or registered with the Register of public private partnership contracts before entering of this Act into force.
2. *A PPP project proposal* is documentation submitted by the public body to the Agency for the approval.
3. *Public private partnership contract* (hereinafter: PPP contract) is a contract concluded between a public and private partner that, for the purpose of implementation of the PPP project, regulates the rights and obligations of the parties.
4. *A concession* means a concession for public works or a concession for public services in accordance with regulations on concessions.
5. *A right to build* is a real property right (right *in rem*) that the owner of real estate awards pursuant to the provisions regulating ownership and other real property rights.
6. *Public Sector Comparator* (PSC) is the comparison of present value of total living costs in the period related to the project according to the traditional (budgetary) model of financing with the same type of costs according to PPP model. PSC includes calculation of monetary compensation for covering total costs, expenditures and outflow of the project, allocation of risks between the parties and quantification of allocated risks.
7. *A public body* is a body, legal entity or subject who is a client within the meaning of regulations on public procurement.
8. *Public partner* is one or more public bodies concluding a PPP contract with a private partner.

9. *Private partner* in a contractual public private partnership is a special purpose vehicle, and in an institutionalised public private partnership is an economic subject in membership relations with the public partner in a joint company.
10. *Public building availability risk* is the risk assumed for holding a public building in a functional state in accordance with the agreed standards of services.
11. *Demand risk* is the risk assumed for realization of revenue from the final customer.
12. *An advisor* is natural or legal person or a group of those persons with the expertise necessary for the preparation, contracting and implementation of PPP projects.
13. *Whole life costs (WLC)* are the total costs of the public structure (construction, maintenance, replacement of materials, financing and other costs) defined by the norm HRN ISO 15686-5:2009 with included risks and if necessary the costs of usage (cleaning, energy sources, security, etc.) if the use is included in the subject of the contract and revenues of third parties (commercial revenues) if there is such a possibility.
14. *Small value PPP projects* are projects whose capital value is less than or equal to EUR 5,000,000, without value added tax, in the kuna equivalent.
15. *Capital value of the project* is the total assessed costs of construction of the public structure according to the public sector comparator (PSC), including all dependent costs associated with the construction of the public structure, and excluding the costs of maintenance, replacement of spent parts and equipment, and the costs of use as expressed in the public sector comparator.

### ***The PPP contract***

#### **Article 4**

- (1) The PPP contract shall be concluded in writing and for a specified period of time, provided that this period is not shorter than three and longer than forty years, unless longer period is prescribed by a specific regulation.
- (2) Basic rights and obligations of public partner shall be determining standard of services, paying and/or collecting payments and supervision over services supplied.
- (3) Basic rights and obligations of private partner shall be managing the assumed risks related to financing and building process, public building availability risk and/or demand risk as well as paying and/or collecting payments.
- (4) PPP Contract shall contain at least the provisions concerning:
  - Purpose and subject matter of the contract,
  - Term of the contract,
  - Allocation of risks between the parties,
  - Financing and refinancing,
  - Ownership rights of the parties and the manner of their execution,
  - Guarantees and insurance policies,
  - Payments of the parties,

- Cases of compensations and releases,
- Public partner's right of supervision,
- Liquidated damages,
- Consequences of not satisfying contractual obligations,
- Settlement of mutual relations in case of previous termination of contract,
- Force majeure,
- Protection of intellectual property, business secrecy and confidentiality of individual data,
- Procedure and conditions for takeover of infrastructure, if PPP contract includes construction of infrastructure,
- Procedure of dispute resolution between the parties,
- Other rights, obligations and responsibilities of the parties.

(5) PPP Contract shall contain at least the following appendixes concerning:

- Standards of the services,
- Table of risk allocation,
- Guarantee for execution of the contract,
- Guarantee of the parent company for the special purpose vehicle, and
- Financial model.

(6) Other provisions of PPP Contract, not listed in paragraphs 4 and 5 of this article, can be freely agreed upon between the parties in accordance with laws regulating obligation-law relationships.

(7) If for the purpose of implementing PPP project, a concession has to be awarded, content of PPP contract shall be also governed by regulations on concessions.

### *Special Purpose Vehicle*

#### **Article 5**

- (1) Special purpose vehicle (hereinafter: SPV) is a company company incorporated by a selected bidder for the purpose of concluding PPP contract and implementing PPP project.
- (2) An SPV may perform exclusively those activities whose purpose is implementation of PPP project for the purpose of which it has been established.
- (3) An SPV shall be established in accordance with the provisions of the act regulating the establishment and operation of companies.

## **PART II**

### **IMPLEMENTATION OF PPP PROJECTS**

#### **Article 6**

- (1) One or more public bodies may authorize other public body for preparation of PPP project proposal, submitting a PPP project proposal, conducting a procedure for the selection of a private partner, concluding a PPP contract and implementing PPP project.
- (2) Depending on its authorities, public body can authorize other public body to conduct one, more or all of the activities referred to in paragraph 1 of this article.
- (3) Public bodies mentioned in this article shall regulate mutual rights and obligations, mutual payments, payments to private partner, mode of making reports, control and supervision over the delivery of the agreed standard of public service or public area, by a mutual agreement.

### *Delivery of information on intention to implement a project*

#### **Article 7**

- (1) The public body delivers to the Agency information on intention to implement a project with the aim to inform the Agency on the potential PPP project.
- (2) The form of information, referred to in paragraph 1 of this article, shall be stipulated by the Government of the Republic of Croatia in the Ordinance on implementation of private public partnership projects.
- (3) The Agency shall publish the information, referred to in paragraph 1 of this article, on its web page with the aim to inform the market on the potential PPP projects.
- (4) If the PPP project is from the competence of the central state administration bodies, the Government of the Republic of Croatia may pass a decision designating a state administration body or other public body which will be the leader of the tasks of the public partner or authorise a certain state body for the implementation of activities from paragraph 1 of this Article.

### *Selection of advisors*

#### **Article 8**

- (1) The public body or the public partner may engage the advisor for rendering expert support in preparation of PPP project proposal, negotiating a PPP project and during managing a PPP contract.
- (2) The advisor is liable for rendering his services in accordance with general laws, rules regulating his field of expertise and the provisions of the contract concluded with the public body or the public partner.
- (3) The advisor cannot be engaged both by a public body and by the economic operator who is participating in the procedure of selection of private partner, in the same project.

### *Proposing and approving PPP project proposals*

#### **Article 9**

- (1) The public body is exclusively authorized to propose PPP projects.
- (2) The public body shall submit to the Agency for the approval two copies of the PPP project proposal.
- (3) PPP project proposal shall contain at least:
  1. Public Sector Comparator (PSC) with layout of financial sustainability of the project
  2. PPP contract proposal with content stipulated in article 4 of this Act.
- (4) Other documentation which shall be part of the PPP project proposal as well as the structure of Public Sector Comparator (PSC) shall be prescribed by the ordinance passed by the Government of the Republic of Croatia.
- (5) If PPP project proposal shall be incomplete, Agency shall issue a Conclusion in which it will give a public body a term of 15 days for remedy and warn it on legal consequences if it fails to do so.
- (6) If the public body does not remove the shortcoming within the deadline from paragraph 5 of this Article, and the proposed PPP project cannot be acted upon, the Agency shall reject the proposal by a decision.
- (7) In PPP project proposals approval procedure, Agency shall determine whether basic and other criteria for the approval of project proposals are met.
- (8) Basic criteria for the approval of PPP project proposals shall be:
  - PPP project proposal shall be in accordance with the definition of PPP;
  - Public body shall be authorized to propose PPP projects;
  - Public Sector Comparator (PSC) shall express positive value for the money;
  - PPP contract proposal shall be in accordance with article 4 of this Act;
  - Ownership of public body over public infrastructure, which is the subject matter of PPP project, shall be provided;
  - Contractual term of 3 to 40 years, or exceptionally longer according to a special law, shall be provided.
- (9) Other criteria for the approval of PPP project proposals shall be stipulated by the Regulation passed by the Government of the Republic of Croatia.
- (10) The Agency shall approve PPP project proposal that fulfils prescribed criteria for the approval of PPP project proposals, after acquiring a prior consent from the Ministry of Finance, pursuant to Article 11 of this Act.
- (11) The Agency shall issue approval within 10 days from the day of receiving consent, referred to in article 11 of this Act, passed by the Ministry of Finance.
- (12) The Agency shall publish information on each approved project in the list of approved PPP projects on its web page.
- (13) If the Agency assess that project proposal does not fulfil criteria for the approval, it shall decline the PPP project proposal by issuing such Decision.

- (14) If the Ministry of Finance shall refuse to issue prior consent, pursuant to the provisions of this Act, Agency shall decline the project proposal by issuing such Decision
- (15) If Ministry of Finance shall not decide on the request for issuing approval in term prescribed by article 11 paragraph 6 of this Act, it shall be considered that the consent has been issued for the benefit of the public body.
- (16) In the cases stipulated in paragraphs 13 and 14 of this article, Agency shall in its Decision give reasons for declining PPP project proposal.

### ***Modifications to the approved PPP project proposal***

#### **Article 10**

- (1) The public body shall inform the Agency on every modification related to the approved PPP project proposal.
- (2) If Agency shall find out that significant modifications have been done regarding the approved PPP project proposal, it will repeal its approval.
- (3) Significant modifications of the project proposal shall be stipulated in Regulation passed by the Government of the Republic of Croatia.
- (4) PPP contract concluded after significant modifications occurred in comparison to the approved PPP project, shall be null and void.

### ***Prior consent of the Ministry of Finance***

#### **Article 11**

- (1) The Agency shall without any delay, deliver part of documentation accompanying the project proposal, filed in accordance with the provisions of this Act, to Ministry of Finance for the prior consent.
- (2) The Ministry of Finance shall grant the prior consent with regard to compatibility of estimated direct financial liabilities of the public body with budgetary plans and projections, as well as with conditions and restrictions specified in special regulations.
- (3) Direct financial liabilities, referred to in paragraph 2 of this article, mean estimated monetary charges a public body shall pay for the purpose of realization of the project according to a traditional (budgetary) model.
- (4) The Ministry of Finance may, beside the prior consent, give to the Agency its opinion on all other elements of PPP project proposal, especially regarding direct and indirect fiscal effects and risks.
- (5) Fiscal effects and risks, referred to in paragraph 5 of this article, mean all those potential events that can produce negative effects on the financial position of public body or the body whose financial position depends on the public body, and that are the result of the factors related to PPP project.

- (6) The Ministry of Finance shall grant the prior consent and its opinion to PPP project proposal, if it decides to give one, to the Agency within 30 days from the day of receiving PPP project proposal referred to in paragraph 1 of this article.
- (7) The Ministry of Finance may request amendments to the documentation of the PPP project proposal prior to giving the prior consent from paragraph 2 of this Article, or in its opinion from paragraph 4 of this Article. In that case, the deadline of 30 days from paragraph 6 of this Article shall begin to run from the delivery of the requested amendments of the documentation to the PPP project proposal. The period of 30 days from paragraph 6 of this Article for the provision of prior consent or a new opinion shall begin to run from the submission of the amended documentation of the PPP project proposal and if the amendments to the documentation of the PPP project proposal requested by the Ministry of Finance is submitted to the Agency.

### *Status of PPP project*

#### **Article 12**

- (1) The PPP project proposal shall acquire the status of a PPP project solely on the basis of an approval issued pursuant to the provisions of this Act, granted by the Agency.
- (2) A public body may initiate the procedure for the selection of private partner only after execution of the decision on the approval of the PPP project proposal.
- (3) The PPP contract concluded without the approval granted by the Agency shall be null and void.
- (4) If public body shall not initiate the procedure for the selection of private partner within the term of one year from the date of acquiring a status of PPP project, it will have to reinitiate the procedure of proposing and approval of the PPP project proposal while the approval granted by the Agency and the prior consent of the Ministry of Finance shall expire.

### *Procedure for the selection of private partner*

#### **Article 13**

- (1) The selection of a private partner is carried out in line with the regulations from the field of public procurement, with the application of Articles 5 and 14 of this Act.
- (2) In derogation from the provisions of paragraph 1 of this Article, in the selection procedure for the private partner, the provisions of regulations on public procurement that pertain to subcontractors and to the consortium or a joint bid with the obligation of listing the section of the contract that will be performed by each individual member of the consortium and issues of payment to the member of that consortium shall not apply.
- (3) If PPP project realization implies awarding a concession, the procedure for the selection of private partner shall be conducted pursuant to regulations on procedure for awarding a concession, with application of articles 5 and 14 of this Act accordingly.



## ***Criterion for the selection of bid***

### **Article 14**

- (1) Criterion for the selection of private partner's bid shall be exclusively the economic advantage.
- (2) Criteria for the selection of economically most advantageous bid, which shall be applied by the public body in the procedure for the selection of private partner, shall be stipulated in Regulation passed by the Government of the Republic of Croatia.

## ***Co-operation of the Agency and the public body***

### **Article 15**

- (1) For the purpose of resolving specific questions from PPP field, public body co-operates with the Agency.
- (2) In implementation of co-operation referred to in paragraph 1 of this article, Agency shall give to the public body recommendations or opinions.

## ***The Register of public private partnership contracts***

### **Article 16**

- (1) The Agency constitutes and keeps the Register of public private partnership contracts.
- (2) The public partner shall submit to the Agency two copies of the concluded public private partnership contract, as well as all amendments and annexes thereto, within 30 days from the date of the beginning of application of PPP contract or from the date of its amendment. Concluded PPP contract with all annexes thereto, as well as all the amendments to the contract and its annexes, shall be registered with the Register kept by the Agency.
- (3) After receiving PPP contract, Agency shall without the delay deliver one copy to the Ministry of Finance.
- (4) The Register referred to in paragraph 1 of this article shall be public and the excerpt from the Register shall be published on the Agency's web page.
- (5) The Minister of the Economy shall issue the Ordinance on constitution and keeping of the register of public private partnership contracts.

## ***Monitoring of implementation of PPP projects***

### **Article 17**

- (1) The Agency monitors the implementation of PPP projects registered with the Register of public private partnership contracts throughout their entire duration.

- (2) During monitoring of implementation of PPP projects, Agency shall observe the performance of contractual obligations of both the public and the private partner.
- (3) The Agency monitors the implementation of PPP projects on the basis of the Report on implementation of PPP project, in accordance with article 18 of this Act.

### *The Report on implementation of PPP project*

#### **Article 18**

- (1) The public partner shall within the term of 6 months from the date of registration of PPP contract with the Register of public private partnership contracts, submit to the Agency a first Report on Implementation of PPP project, that shall be signed and certified with the official seal by the public and the private partner.
- (2) The form of the Report, referred to in paragraph 1 of this article, shall be stipulated in Regulation passed by the Government of the Republic of Croatia.
- (3) After the first Report, public partner shall submit further Reports each 6 months.
- (4) The last Report shall be submitted at latest within 6 months from the expiry of the term contracted upon for implementation of PPP project.
- (5) The Agency can demand additional explanations, clarifications and replies from the parties regarding specific statements of the Report.

### *Amendments to the PPP contracts*

#### **Article 19**

- (1) Before concluding amendments of PPP contract, public partner shall submit the proposal of those amendments to the Agency for the approval.
- (2) Beside the proposal of the amendments, public partner shall submit to the Agency explanations and necessary documentation regarding those amendments of PPP contract.
- (3) The Agency may request further explanations and documentation regarding the amendments of PPP contract.
- (4) The Agency shall, without any delay, request the opinion from Ministry of Finance on the proposed amendments if they imply assuming enhanced direct financial liabilities by a public body, in relation to those for which Ministry of Finance already granted its prior consent. Ministry of Finance shall give its opinion within 30 days from the day of receiving the Agency's request.
- (5) Prior to issuing the approval to the proposed amendments, Agency may request explanations from the other state bodies.
- (6) If the proposed amendments of PPP contract are not substantial, Agency shall issue the approval on the amendments of PPP contract to the public partner within 30 days from the date of receiving the complete documentation referred to in paragraphs 1 to 3 of this article.

- (7) In case referred to in paragraph 4 of this article, Agency shall issue the approval to a public partner within 15 days from the date of receiving the opinion from the Ministry of Finance.
- (8) Amendments of PPP contract made during the term of that contract are considered to be a new contract for which public partner is obliged to initiate new procedure of proposing PPP project if those amendments are substantial with regard to the content of the initial PPP contract and if they represent the intention of the parties to rearrange the basic elements of that contract.
- (9) Substantial amendments of PPP contract in the sense of paragraph 8 of this article are the amendments which:
  1. introduce conditions which would, were they a part of the initial procedure of private partner selection, allow submitting different offers than those which were submitted in the initial procedure or that would allow the selection of different offer than the offer selected in the initial procedure, or
  2. substantially expand the subject matter of PPP contract to works and services which were not within the scope of the initial contract, or
  3. change the economic balance of PPP contract for the benefit of private partner in a manner not prescribed by the provisions of the initial PPP contract.
- (10) Other important questions related to the amendments of PPP contract can be prescribed by the Regulation passed by the Government of the Republic of Croatia.
- (11) The Agency shall inform the Ministry of Finance on the issued approval.
- (12) Amendments of PPP contracts concluded contrary to the provisions of this article shall be null and void.

## **Article 20**

- (1) Provisions of this Title of the Act apply to contractual as well as to institutionalised public private partnership.
- (2) The provisions of Part II of the Act shall apply appropriately to small value PPP projects, unless otherwise prescribed by the provisions of Part IIa of this Act.

## **PART IIa**

### **SMALL VALUE PPP PROJECTS**

#### Article 20a

- (1) The fundamental issues of the preparation, documentation and implementation of small value PPP projects are stipulated by the Government of the Republic of Croatia in a regulation.

- (2) Other issues of the preparation, documentation and implementation of small value PPP projects, taking into account the specificities of the activity or type of public service being governed, are prescribed by ordinances issued by the minister responsible for the economy.

### ***Approval of small value PPP projects***

#### **Article 20b**

- (1) Prior to the initiation of the procedure to select a private partner for a small value PPP project, the public body must obtain the approval for the proposal of that project from the Agency, in the procedure stipulated in Part II of this Act.
- (2) The data and content of the documentation that make up the small value PPP project proposal, which the public body encloses with the request for approval from paragraph 1 of this Article, is stipulated by the Government of the Republic of Croatia in a regulation, and by the minister responsible for the economy in the ordinances from Article 20a, paragraph 2 of this Act.
- (3) In the approval procedure for proposals for small value PPP projects, the criteria for the approval of the project proposal are the fundamental criteria from Article 9, paragraph 8, subparagraphs 1, 2, 4, 5 and 6 of this Act, and the issued prior approval of the Ministry of Finance from Article 11 of this Act.
- (4) The Ministry of Finance gives its prior consent for small value PPP projects, taking into account the compensation arising from the calculation of the assessed value of the procurement, pursuant to the provisions of the Regulation.

## **PART III**

### **THE AGENCY FOR PUBLIC PRIVATE PARTNERSHIP**

Articles 21 to 29 are deleted.

## **PART IV**

### **LEGAL PROTECTION**

#### **Article 30**

- (1) Legal protection in the procedure of selection of private partner shall be conducted in accordance with regulations on public procurement.
- (2) No appeal is permitted against the acts of the Agency, however, an administrative dispute may be filed against them.

#### **Article 31**

- (1) For disputes between the parties arising from PPP contract, parties can agree upon arbitral dispute resolution or mediation before some of the mediation centres.
- (2) In the procedures referred to in paragraph 1 of this article, the law of the Republic of Croatia shall apply.
- (3) If parties did not agree upon the arbitral dispute resolution or mediation, exclusive jurisdiction shall have the Commercial Court on whose territory the real estate, from article 2 paragraph 1 of this Act, is situated.

## **PART V**

### **PENAL PROVISIONS**

#### **Article 32**

If the Agency or another competent body establishes that the provisions of this Act have been violated by the public body or the public partner, it shall file minor charges to the competent misdemeanour court.

#### **Article 33**

- (1) A fine for misdemeanour in the amount from HRK 50 000.00 to HRK 1 000 000.00 HRK shall be imposed on:
  1. the public partner who fails to submit to the Agency within the prescribed term copies of the concluded PPP contract with all the annexes and amendments thereto (article 16. paragraph 2.),
  2. the public partner who fails to submit to the Agency within the prescribed term the Report on implementation of PPP project (article 18.).

(2) A fine for misdemeanour, referred to in paragraph 1 of this article, in the amount from HRK 5 000.00 to HRK 50 000.00 shall be imposed on the responsible person in the public body or a public partner.

#### **Article 34**

With regard to the statute of limitations regarding the misdemeanours prescribed under this Act, the provisions of the Misdemeanours Act shall apply.

## **PART VI**

### **TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 35**

The Government of the Republic of Croatia shall pass the Regulation referred to in article 7 paragraph 2, article 9 paragraph 4 and 9, article 10 paragraph 3, article 14 paragraph 2, article 18 paragraph 2 and article 19 paragraph 10 of this Act within 30 days from the day of entry into force of this Act.

### **Article 36**

- (1) Procedures instituted until entry into force of this Act shall continue to be governed and shall be finished according to the provisions of Public Private Partnership Act (Official Gazette 129/2008 and 55/2011).
- (2) Provisions of this Act on monitoring implementation of PPP project apply to all PPP contracts registered with the Register.
- (3) Provisions of this Act on amendments of PPP contracts also apply to PPP contracts concluded before entry into force of this Act.

### **Article 37**

Agency for public private partnership, founded by the Public Private Partnership Act (Official Gazette 129/2008 and 55/2011), shall continue its work in accordance with the provisions of this Act.

### **Article 38**

On the date of entry into force of this Act, Public Private Partnership Act (Official Gazette 129/2008 and 55/2011) shall cease to have effect.

### **Article 39**

Until passing a Regulation on implementation of private public partnership projects, the following regulations remain in force:

- Regulation on the content of private public partnership contracts (Official Gazette 56/2009),
- Regulation on the criteria for the assessment and approval of the private public partnership projects (Official Gazette 56/2009),
- Regulation on the supervision of implementation of private public partnership projects (Official Gazette 56/2009),
- Regulation on training of participants in procedures for the preparation and implementation of private public partnership projects (Official Gazette 56/2009).

### **Article 40**

- (1) Minister of the Economy shall pass an ordinance on organization and keeping of the register of public private partnership contracts within 90 days from the day of coming into force of this Act.
- (2) Ordinance on organization and keeping of the register of public private partnership contracts (Official Gazette 147/2010) shall remain effective until the ordinance from paragraph 1 of this article comes into force.

#### **Article 41**

This Act shall enter into force on the eight day after the day of its publication in the Official Gazette.

### **Transitional and final provisions OG 152/2014**

#### Article 17

Within a period of 120 days from the date of entry of this Act into force, the director of the Agency for Public Private Partnership shall take all actions necessary for the implementation of the merger of the Agency for Public Private Partnership with the Agency for Investments and Competitiveness in the court register.

#### Article 18

Procedures commenced prior to the entry of this Act into force shall be completed according to the provisions of the Act on Public Private Partnership (Official Gazette 78/12).

#### Article 19

- (1) The Government of the Republic of Croatia shall align the Regulation on the implementation of public private partnership projects (Official Gazette 88/12) with to the provisions of this Act, within a period of 60 days from the date of entry of this Act into force.
- (2) The minister responsible for the economy shall align the Ordinance on the organisation and keeping of the Register of public private partnership contracts (Official Gazette 16/13) with the provisions of this Act within a period of 60 days from the date of entry of this Act into force.
- (3) The minister responsible for the economy shall issue the Ordinance from Article 20a, paragraph 2 of this Act within a period of 180 days from the date of entry of this Act into force.

Article 20

This Act shall enter into force on the eighth day from the date of publication in the *Official Gazette*.