

PPP IN UKRAINE

03.12.2025

GOLAW

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Energy	
White-Collar Crime	
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WE ARE PART OF THE COMMUNITY


As members of various associations, we have a thorough understanding of our clients' industries & their specific needs





PLAN

05

- What is a PPP?
 - Forms of PPP
 - Key institutions
 - Last changes
 - Stages of PPP
 - War-related implications
 - Examples
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What is a PPP?

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A PPP is a long-term cooperation between a public and a private partner.

Public partner:

- Grants the private partner the right to use a public asset
- Enables infrastructure development without upfront budget costs

Private partner:

- Invests in developing or modernising the asset and operates it
- Commercialises the asset, recovers its investment and receives profit over time

Risks are shared between the partners.



Forms of PPP

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PPP agreement

- Flexible public-private cooperation framework
- Availability payments or performance-based fees
- Management and operation may be transferred to the private partner

Concession agreement

- Special form of PPP where the private partner assumes most operational risk
- User fees or mixed revenue sources
- Private partner has the right to manage and operate the asset

Mixed agreement

- Hybrid contract combining PPP and concession elements
- Application of PPP or Concession law depends on the project's features





Key institutions



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Ministry of Economy, Environment and Agriculture:

- Policy development & coordination in the PPP sphere
- Design of national PPP programs and oversight of their implementation
- Protection of the rights and interests of public and private partners
- Setting procedures for selecting independent experts and approving PPP tender documents
- Monitoring & reporting on PPP projects and legal compliance
- PPP knowledge support: guidance, consulting, training, methodological documents
- Maintaining the PPP agreements registry

PPP Agency:

- Supports preparation of investment-attractive PPP projects across sectors

Last changes

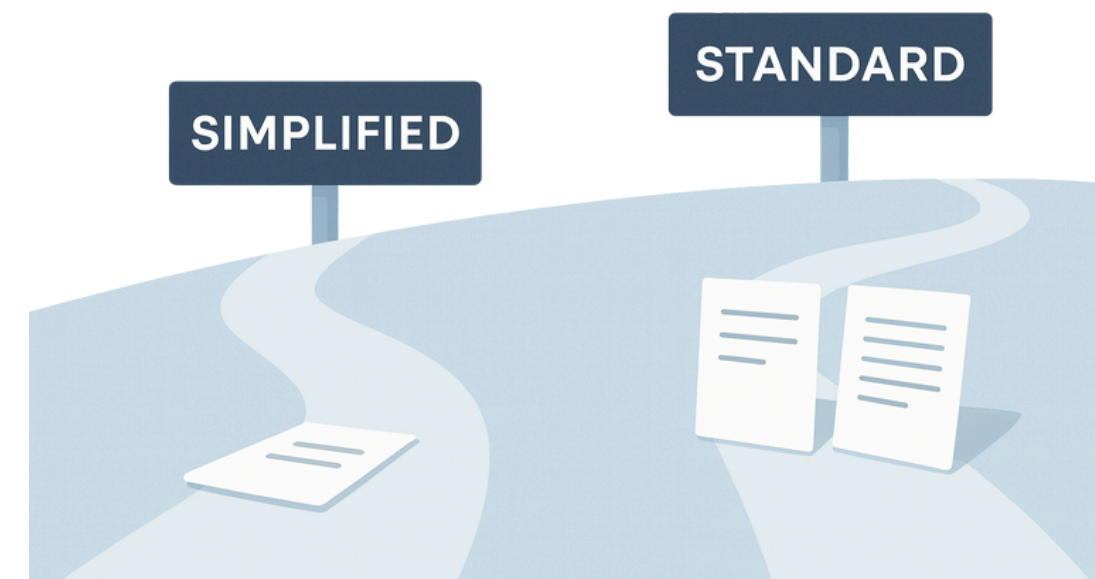
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Two-track system:

- Two procedural routes – simplified and standard
- The simplified procedure – for values up to EUR 5,538,000 and infrastructure/recovery projects
- The standard procedure – for all other projects

Documentation & Timelines:

- Simplified procedure – a concept note (single stage)
- Standard procedure – a concept note and a feasibility study (two stages)
- Decision on the implementation – 45 days for simplified and 90 days for standard



Last changes

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Project initiation

- Initiated by the public partner only
- Public partner determined by asset ownership

Project preparation

Standard:

- Concept Note
- Feasibility Study

Decision on PPP implementation

- Decision-maker depends on asset ownership
- Deadlines: 90 days for standard, 45 days for simplified



Simplified:

- Concept Note



Last changes

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Permanent selection committees:

- At ministries (Economy, Infrastructure, Defence) and other public partners

Sectoral scope:

- Unlimited – can be implemented in all sectors, except those expressly prohibited by law

Public partners:

- Added - State-owned enterprises and public sector business companies

Electronic trading system:

- A dedicated electronic trading system specially for PPP tenders

Last changes

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Guarantees:

- Legislative stability
- Compensation for losses

State support & Sources:

- New forms – grants and demand guarantees (difference compensation)
- Co-financing by state-owned enterprises, municipal enterprises and public sector business companies

Project initiation:

- Only public partners can initiate
- Private partners may submit ideas

Sources of financing:

- private partner funds
- borrowed funds
- budget funding
- grants
- other sources

Examples

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Başakşehir Çam & Sakura City Hospital (Turkey)

A PPP between the Ministry of Health, Rönesans Healthcare Investment, and Sojitz Corporation. Built the world's largest seismically isolated hospital complex with 2,000+ isolators.



LGV Bretagne – Pays de la Loire High-Speed Rail (France)

A high-speed rail PPP initiated by the French government with Eiffage's consortium. Delivered a 214 km line (182 km new high-speed tracks).



1915 Çanakkale Bridge (Turkey)

A PPP by the Ministry of Transport and KGM with a Turkish-Korean consortium. Constructed a 4.6 km suspension bridge with a record 2,023 m main span.



Examples

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Sofia Airport Concession (Bulgaria)

A PPP between the Ministry of Transport and the SOF Connect consortium with IFC/EBRD support.

The model delivers upgraded infrastructure and revenue-sharing for the state, while the private partner gains stable long-term returns.

NH90 Helicopter Training Centres (Germany)

A PPP between the Ministry of Defence and the consortium of CAE, Eurocopter, Rheinmetall Defence Electronics, and Thales.

The consortium designed, built, and operated three sites equipped with full-motion simulators. During the 14.5-year operational phase (2008–2022), the government paid an hourly training rate instead of owning the infrastructure.

Examples

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“Kherson” Specialised Seaport Concession

The concessionaire has been granted the exclusive right to establish, build and operate the commercial seaport of Kherson (area of 20 hectares, 5 berths with a total length of 600 m, depth up to 7.6 m) with a view to its modernisation and further development. The port handles scrap metal, mineral fertilisers, timber, sand, etc. The concessionaire undertakes to invest UAH 300 million (UAH 216 million during the first 3.5 years), ensure a minimum cargo turnover of 1.36 million tonnes by 2030, and retain all employees for 5 years. The state will receive an annual concession fee of at least UAH 12 million and 7% of the concessionaire's net profit.

The concession period – 30 years.



Examples

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“Olvia” Specialised Seaport Concession

The concessionaire is modernising the port infrastructure to improve service quality, navigation and logistics. The port (area of 150 hectares, 7 berths with a total length of 1,500 m, depth up to 10.3 m) handles grain and building materials (~80% of cargo turnover in 2018). The project involves the construction of a grain terminal or a universal transshipment complex with a capacity of 2 million tonnes of grain per year. The concessionaire undertakes to ensure a minimum cargo turnover of 2.55 million tonnes per year (from the 6th year until 2029) and 2.83 million tonnes per year (from 2030), and to retain all employees. The state will receive an annual concession fee of at least UAH 80 million and 0.75% of the concessionaire's net profit.

The concession period – 35 years.



War-related implications

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- Destruction across transport, energy, housing, education, and healthcare infrastructure
- USD 524 billion needed for recovery over the next decade (The World Bank's RDNA)
- The scale of damage far exceeds the capacity of the state budget alone
- PPP allow Ukraine to rebuild and modernise infrastructure, while keeping assets in state ownership

Opportunities

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Transport

Energy

Water and Waste Utilities

Infrastructure

Defence

Opportunities

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PPP Health Care Project

Project stage: Concept note

Parts of the project:

1) Hospital consolidation PPP

A private partner finances, designs, builds, equips and maintains a new multi-profile hospital with ~1,000 beds based on the Lviv Emergency Medical Service through the consolidation of outdated public hospitals (PFI model). The public partner provides access to the site and communications, makes annual availability payments, and finances and manages clinical and non-clinical services. Optionally, the private partner may be responsible for non-clinical services (security, cleaning, maintenance, kitchen, laundry, sterilisation, etc.). Total investment: EUR 50–60 million

2) Laboratory network (Laboratory PPP)

A private investor will build, equip and operate a network of laboratories based on the hub-and-spoke model to provide modern laboratory services (biochemistry, pathology, histopathology, haematology, cytology, immunology, microbiology, molecular biology) to public healthcare facilities in the Lviv region and private patients. The public partner provides premises or access to the site, pays for clinical services and ensures patient referrals.

3) Medical imaging centre (Imaging PPP)

A private investor finances, equips, maintains and operates a central diagnostic centre or a network of medical imaging branches based on a hub-and-spoke model for Lviv ambulance services and other hospitals, with partial interpretation via telemedicine IT solutions. The public partner provides access to the site and communications, pays for clinical services for publicly funded patients and provides referrals.

Opportunities

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Road PPP Program

The private partner finances the rehabilitation and long-term operation and maintenance of road sections. In return, it receives availability payments – a contractually agreed-upon amount that depends on compliance with specified performance standards (KPIs) and specifications. The programme provides for the modernisation and maintenance of the road network through private investment. Two pilot projects have been selected for the first stage: Yagodin – Kovel – Lutsk (M-07, M-19) and Kharkiv – Dnipro – Zaporizhzhia (M-29, M-04, M-18).

Total investment: 7-10 bln USD

Project stage: Feasibility study



Development of the Rail-Ferry Terminal in Chornomorsk

The concessionaire will modernise the existing facilities of the railway-ferry complex, the only terminal in Ukraine specialising in servicing railway and car ferry lines, as well as ro-ro vessels. The terminal has three berths with a depth of 9.7 m and an annual capacity of 4.5 million tonnes in railway wagons, 150,000 trucks and 250,000 vehicles. The complex is part of the railway ferry lines on the Black Sea and the New Silk Road trade corridor.

Total investment: ~10 million USD

Project stage: Feasibility study



Opportunities

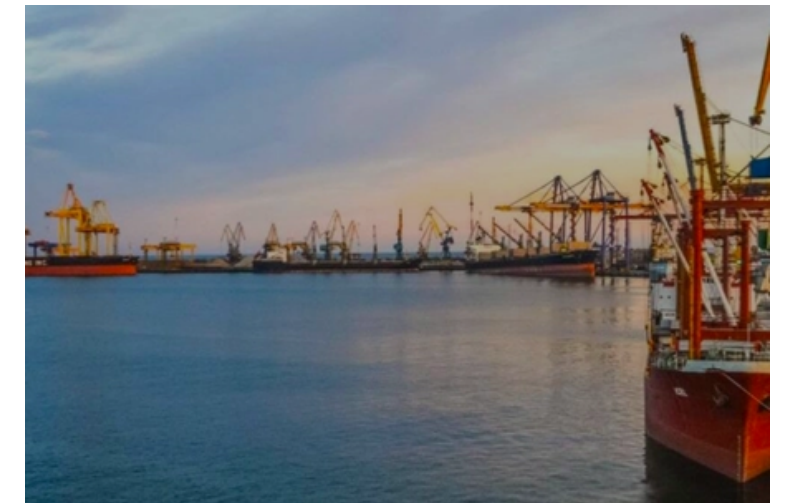
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Container terminal in Chornomorsk Concession

The concessionaire will reconstruct the existing facilities of the transshipment complex, upgrade/modernise the transshipment equipment, and operate a modern terminal for transshipment of containers and general cargo. The terminal covers an area of 75 hectares and has 6 berths with a depth of 11-15 m, 21 hectares of storage space, and a capacity of 1+ million TEU and 4+ million tonnes of cargo per year.

Total investment: ~100 million USD

Project stage: Feasibility study

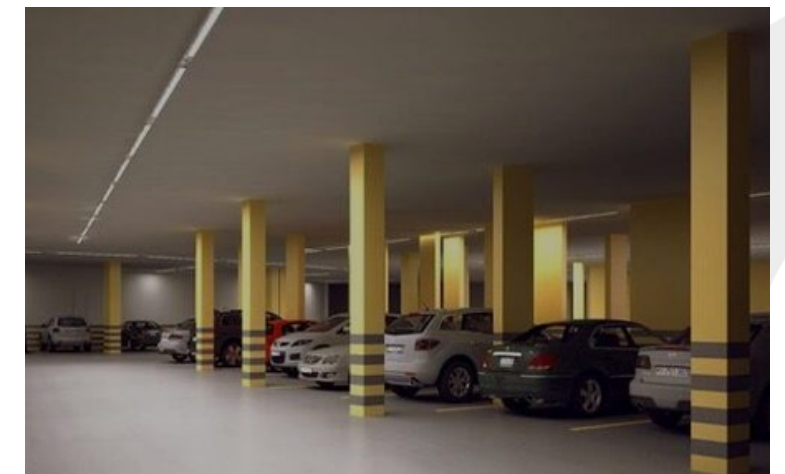


Underground multilevel parking construction on Sq. E. Petrushevych in Lviv

The private partner is designing and building an underground multi-level car park with 350 parking spaces (including 18 spaces with charging stations for electric vehicles) with an area of 7,015 square metres. relocates utility networks, and reconstructs the city square (0.5381 hectares) with the possibility of installing a temporary commercial facility. During the concession period, the private partner operates and maintains all facilities, receiving income from parking fees and rent/own commercial activities. The public partner will terminate contracts with operators of ground parking lots in the square and facilitate the obtaining of permits.

Total investment: ~10 million USD


Project stage: Feasibility study





How GOLAW can support?

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- Advising on PPP and procedures
 - Advising regarding project structure and financing
 - Assisting with the preparation of concept note and feasibility study
 - Representing in negotiations with counterparties
 - Assisting with the legal part of the tender
 - Drafting PPP agreement, financing documentation, etc.
 - Assisting during project implementation
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