

**Polska**



# Public Private Partnership (PPP)

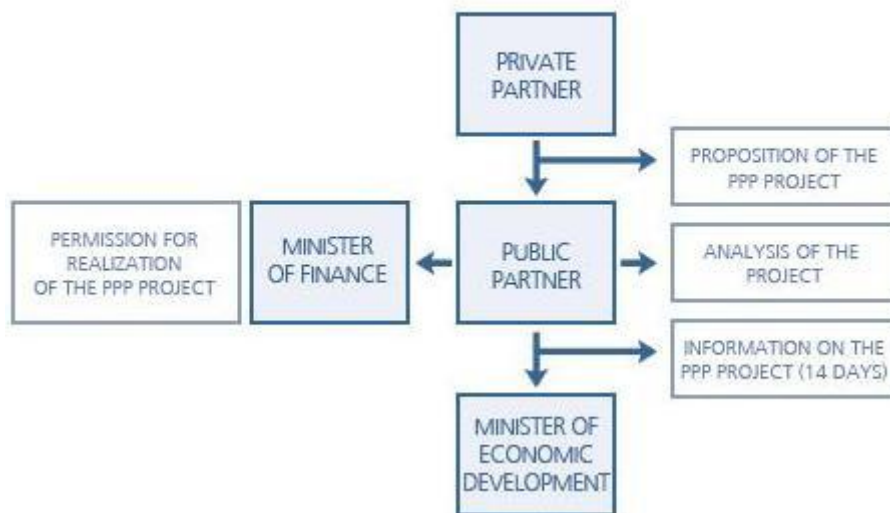
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Public-private partnerships (PPP) are institutions, over which state (local) authorities can work together with private investors to achieve common goals in an effective, accelerated and simple way.

PPP`s promote growth, because more investment projects can be completed at the same time.

An exemplary model of cooperation between public and private partners:



Source: Polish Investment and Trade Agency, *Poland your business Partner. Invest in Poland, 2016.*

**A legal act, which sets out the rules of cooperation between public authorities and private institutions**, is an Act on Public-Private Partnership dated 19th December 2008. This act has become part of the tools which already function in the Polish legal system, creating a cohesive whole.

**The PPP Act** regards the bodies, which may be considered as public entities in Art. 2 Sec. 1, to be:

- a public finance entity as defined by the regulations on public finance,
- other legal person (defined in the PPP Act).

Taking the above into consideration, we can enumerate some of the entities that **fulfil the requirements of the statute to be regarded as public entities including**: the organs of public authorities: including organs of government administration; state control, law enforcement bodies and their associations; municipality; country and provincial authorities; entities financed by the state; and the local government (including other central or local state legal entities created under separate legislation for the purpose of performing public tasks), with the exclusion of enterprises, banks and commercial companies.

**Moreover, the PPP Act** has introduced improvements concerning administering of real properties, such as:

- the possibility of the assignment of a property to a private partner or special purpose vehicle without holding a tender of the Act on Real Property Management),
- the possibility of sale with a discount.

In order to carry out an investment project under the **PPP formula**, a public entity and private partner may establish a capital based company, a limited partnership or a limited joint-stock partnership (Public Private Partnership Company). This is a special purpose vehicle, the scope of which is provided in the PPP contract of the PPP Act). Due to this fact any amendments to the contract or of the articles of associations which must fall within the scope are set out in the PPP contract.

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Source: Polish Investment and Trade Agency, *Poland your business Partner. Invest in Poland, 2016.*



**INNOWACYJNA GOSPODARKA**  
NARODOWA STRATEGIA SPÓJNOŚCI



**MINISTERSTWO  
ROZWOJU**

**UNIA EUROPEJSKA**  
EUROPEJSKI FUNDUSZ  
ROZWOJU REGIONALNEGO



Projekt jest współfinansowany przez Unię Europejską ze środków Europejskiego Funduszu Rozwoju Regionalnego