

## GENERAL INFORMATION

<b>Capital:</b> Victoria	<b>Population:</b> 94,6 million (2018)	<b>GDP:</b> USD 1,59 billion (2018)
--------------------------	--	-------------------------------------

## LEGAL AND INSTITUTIONAL FRAMEWORK

### PPP Law and other applicable texts

- Public Procurement Act (2008)
- Seychelles Investment Act, 2010 (SIA, 2010)
- Public-Private Partnership Act, 2017 (proposed)

### Other Applicable Sectoral Laws

- Energy Act, 2012 (EA, 2012)

### PPP Unit (PPPA, 2017, Part I, Section 2)

Project Investment Management Unit (PIMU) is established as a unit within the Ministry and is mandated to oversee and support the development of PPPs by contracting authorities

### Definition (PPPA, 2017, Part I, Section 2)

“Public-private partnership” or “PPP” means a public investment project between a contracting authority and a private party in terms of which the private party –

- . (a) performs a public function on behalf of the contracting authority; and
- . (b) where relevant, acquires the use of public property for its own commercial purposes; and
- . (c) assumes substantial financial, technical and operational risks in connection with the performance of the public function and/or use of public property; and
- . (d) receives a benefit for performing the public function or from utilising the public property, either by way of - (i) consideration to be paid by the contracting authority which derives from the Consolidated Fund or, where the contracting authority is a public enterprise, from the revenues of such enterprise; or (ii) charges or fees to be

collected by the private party from users or customers of a service provided to them; or (iii) a combination of such consideration and such charges or fees.

## **General Principles (SIA, 2010, Art 4-9)**

Any investment in Seychelles shall be in accordance with (i) the principle of fair and equitable treatment of investor, (ii) the protection of property, (iii) the principle of transparency, (iv) the principle of the continuation of activities and the protection of the transfers of the investor's profits (*Part II, Investment Protection*)

## **Tendering and contracting procedures / Choice of the private partnership (PPPA, 2017, Part IV, Section 12)**

A PPP agreement between a contracting authority and a private party must comply with the following basic requirements -

- . (a) describe in specific terms the nature of the private party's role in the public-private partnership;
- . (b) identify the rights and responsibilities of the contracting authority and the private party in relation to the project, and where applicable, lenders in relation to step in rights of lenders;
- . (c) specify the manner in which the PPP will be funded and the relevant financial terms;
- . (d) ensure the management of performance of the private party;
- . (e) provide for the return of public property, if any, to the contracting authority, at the termination or expiry of the PPP agreement, in such manner as may be provided for in the PPP agreement;
- . (f) provide for the sharing of risks between the contracting authority and the private party;
- . (g) provide for the payment to the private party by way of compensation from the Consolidation Fund or of charges or fees collected by the private party from users or customers of a service provided by it, or a combination of the two, which shall be detailed in a payment mechanism schedule;
- . (h) provide for its duration; and
- . (i) contain such other information as may be prescribed.
- . (2) Every PPP agreement shall be governed by and construed in accordance with the laws of Seychelles.

- . (3) Every PPP agreement shall provide for disputes between the private party and the contracting authority to be settled by arbitration, according to the rules defined in the PPP agreement.

<b>Project Evaluation</b>	No provision in the Act.
<b>Negotiation and Signature of PPP Contracts</b>	No provision in the Act.
<b>Rights and Obligations of the public partner</b>	No provision in the Act.
<b>Rights and Obligations of the private partner</b>	No provision in the Act.
<b>Obligations of both public and private partners</b>	No provision in the Act.
<b>Applicable Law</b>	No provision in the Act.
<b>Dispute resolution (SIA, 2011, Art. 5.3)</b>	Laws of Seychelles or other methods of resolution of disputes ( <i>Part II, Investment Protection</i> ).

## EXAMPLES OF PROJECTS STRUCTURED AS PPP

---

<b>Port</b>	Victoria Port
<b>ICT</b>	Telecom Seychelles Ltd