LEGAL ALERT

THE GOVERNMENT UPDATES THE RULES FOR THE PREPARATION OF PUBLIC-PRIVATE PARTNERSHIP (PPP) PROJECTS AND INTEGRATES PPP INTO THE PUBLIC INVESTMENT MANAGEMENT SYSTEM

- **On 13 August 2026, the Cabinet of Ministers of Ukraine Resolution No. 1051 "Certain Issues of the Preparation of Public-Private Partnership Projects and Improvement of the Public Investment Management Process", which entered into force on 27 August 2026.**

  The Resolution is aimed at improving the preparation and assessment of public-private partnership (PPP) projects, simplifying procedures for small PPP projects and integrating PPP mechanisms into the general public investment management system. The Government, in particular, approved new procedures for conducting an analysis of the concept note and an analysis of the efficiency of PPP implementation, and also amended Resolution of the Cabinet of Ministers of Ukraine No. 527 dated 28 February 2025 "Certain Issues of Public Investment Management".

Key Changes

1. The Preparation of Small PPP Projects Is Simplified

For projects with an expected value of less than the equivalent of EUR 5.538 million, a simplified approach to preparation and assessment has been introduced.

The key simplification consists in the absence of a separate stage of preparation of a PPP feasibility study for below-threshold projects; their pre-investment preparation is focused on the concept note. For certain below-threshold projects, a positive conclusion based on the results of the analysis of the concept note may directly serve as the basis for adopting a positive decision on the implementation of a PPP. This should make the PPP mechanism more accessible not only for large infrastructure projects, but also for projects at the regional and local levels.

What this means for business:

- **Reduction of the administrative and financial threshold for entry into PPP projects.** Simplification of preparatory procedures may reduce expenses for the legal, financial and technical structuring of the project.
- **More opportunities for small investments.** PPP may be used more actively for municipal and regional projects for which the full preparation procedure was economically disadvantageous.
- **Faster transition from idea to implementation.** Subject to the effective application of the new rules, shortening of the preparation cycle may accelerate the launch of projects.

2. Approaches to the Preparation and Assessment of PPPs Are Unified

The new procedures establish unified approaches to the analysis of the concept note and the assessment of PPP efficiency. The preparation of the concept note and the feasibility study will be oriented towards the Five Case Model approaches, which provide for an analysis of the strategic, economic, commercial, financial and management components of the project.

At the same time, the assessment of the possibility of implementing the project on PPP terms is integrated directly into the public investment management system.

What this means for business:

- **More predictable rules for project preparation.** Investors and consultants receive a clearer structure for assessing the viability and commercial feasibility of PPPs.
- **Greater emphasis on financial and commercial components.** The potential for engaging a private partner should be assessed already at the early stages of preparation of a public investment project.
- **Increase in potential opportunities for PPP projects.** Projects that were initially considered as purely budget-funded may, based on the results of the assessment, be structured as projects involving private investments.
- **Closer alignment with international approaches.** A unified assessment system may facilitate the involvement of international financial institutions, donors and institutional investors in Ukrainian PPP projects.

3. The Public Investment Management System Is Improved

The amendments to Resolution No. 527 update the requirements for the preliminary investment and investment feasibility studies, sectoral and expert assessment, determination of the readiness of projects for implementation and formation of unified project portfolios at the state, regional and local levels.

The possibility of updating and adjusting projects throughout their life cycle, reassessment in the event of material changes, strengthening the monitoring of results and a clearer determination of the responsibility of participants is also provided for.

What this means for business:

- **Higher quality of projects entering the market.** A more detailed preliminary assessment should reduce the number of insufficiently prepared infrastructure projects.
- **Greater visibility of future investment opportunities.** Integration of PPP projects into the system of sectoral and unified project portfolios may increase the transparency of the future pipeline and allow investors, financial institutions and operators to identify potential projects earlier.
- **More flexible project management during their implementation.** The possibility of adjustment and reassessment allows projects to be adapted to changes in financial, technical and other material conditions.

4. Additional Opportunities for Regions and Communities

In 2026, additional opportunities are provided for the regional and local levels. By decision of the local investment council, projects with confirmed financing may be included in the unified project portfolio, while local authorities receive more opportunities to independently determine areas of investment in accordance with their development strategies.

What this means for business:

- **More local investment projects.** Communities will be able to determine priorities more promptly and develop infrastructure recovery and modernisation projects.
- **New opportunities for private capital.** This may increase the number of regional and municipal projects suitable for implementation with the involvement of private financing and expertise.
- **Particular potential for critical and energy infrastructure projects.** The new mechanisms may be particularly relevant for projects for the recovery and modernisation of energy, utility, transport and other infrastructure, where public investment, private capital and international financing may potentially be combined.

CONCLUSION

The update of the PPP and public investment management rules creates a more systematic approach to attracting private capital for the implementation of infrastructure projects.

For business, the key changes are the simplification of the preparation of small PPP projects, more predictable requirements for their assessment, integration of the PPP mechanism into the general public investment system and a potential increase in the number of projects open to private financing.

The new mechanisms may be of particular importance for the recovery and modernisation of Ukraine’s energy, transport, social, utility and other critical infrastructure, where the involvement of private capital, international financing and expertise is capable of significantly expanding the capacities of the public sector.

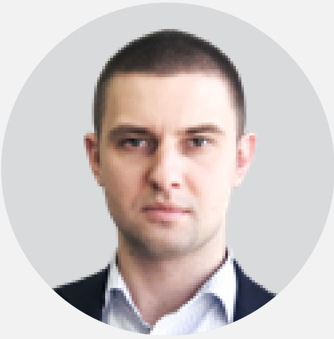
ETERNA LAW continues to monitor the development of the regulatory framework in the field of public-private partnership and investments. The ETERNA LAW team has significant experience in supporting infrastructure, investment and PPP projects and is ready to provide legal support to public and private partners at all stages of the preparation, structuring and implementation of such projects. We are open to cooperation with investors, financial institutions, state authorities and local self-government bodies, as well as other participants in Ukraine’s recovery and development projects.

Oleh Malskyy

Partner, Head of Corporate and M&A,
International Trade Practices

+38 067 441 3697 / WhatsApp

malskyy@eterna.law



Philipp Taranenko

Counsel

taranenko@eterna.law

Vladyslav Holubokov

Associate

holubokov@eterna.law