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PART 11

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

PUBLIC PRIVATE PARTNERSHIP AUTHORITY

NOTIFICATION

Islamabad, the 22nd January, 2024

**S.R.O.193(I)/2024.** — In exercise of the powers conferred by Section 25A read with Section 2(v) of the Public Private Partnership Authority Act, 2017 (Act No. VIII of 2017), the Board of the Public Private Partnership Authority is pleased to make the following regulations, namely: —

Public Private Partnership Authority  
(Qualified Project Criteria) Regulations, 2023

**I. Short title and application.** —(1) These regulations shall be called the Public Private Partnership Authority (Qualified Project Criteria) Regulations, 2023.

(2) They shall apply to all projects.

(437)

Price: Rs.6.00

[7113(2024)/Ex. Gaz.]

**2. Definitions.** —(I) In these regulations, unless there is anything repugnant in the subject or context: —

- (a) "**Act**" means the Public Private Partnership Authority Act, 2017 (Act No. VIII of 2017), as amended;
- (b) "**project**" shall have the meaning ascribed to it under Section 2(n) of the Act; and
- (c) "**qualified projects**" shall have the meaning ascribed to it under Section 2(v) of the Act.

(2) All other words and expressions used in these regulations but not defined have the same meanings as assigned to them in the Act, or if not in the Act, as in common usage.

**3. Qualified project criteria.** — (1) In accordance with section 2(v)(ii) of the Act, a project shall constitute a qualified project if it requires a sovereign guarantee from the Federal Government in accordance with the procedure notified by the Finance Division from time to time, for the issuance of such guarantees:

Provided, however, that subject to the remaining provisions of section 2(v) of the Act, a project requiring a sovereign guarantee as aforesaid shall not constitute a qualified project if it meets any of the following criteria:

- a) it is a power project with respect to which the Private Power Infrastructure Board has been empowered to perform functions in relation to public private partnership arrangements, including, inter alia, such functions set forth in sections 5(2)(b) and 5(2)(c) of the Private Power and Infrastructure Board Act, 2012;
- b) it is an alternative energy project with respect to which the Alternative Energy Development Board has been empowered to perform functions in relation to public private partnership arrangements, including, inter alia, such functions set forth in sections 8(b) and 8(d) of the Alternative Energy Development Board, 2010; or
- c) it is an oil and gas project with respect to which the Oil and Gas Regulatory Authority has been empowered to perform functions in relation to the regulation and approvals of energy-related public private partnership arrangements in the oil and gas sector pursuant to the Oil and Gas Regulatory Authority Ordinance, 2002;

- d) it is a privatisation transaction with respect to which the Privatisation Commission is performing its functions under Section 22 of the Privatisation Commission Ordinance, 2000, in relation to the mode of privatisation listed in Section 25(c) thereof.

(2) In accordance with section 2(v)(i) of the Act, in addition to the provision related to viability gap fund under the aforesaid clause, a project shall constitute a qualified project if support is required from:

- a) the Federal Government through the Public Sector Development Program for purposes of providing viability funding to PPP projects; or
- b) any other facility designated by the Federal Government from time to time as a funding facility for supporting PPP projects under the Act.

[No. 11(6-3) Org-II/PDSI/2021.]

MUHAMMAD AWAIS,  
Head Legal (Affairs).