

Public-private partnership (PPP) in Kosovo



Prepared by: Lēvizja FOL

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Methodology

This report contains a brief analysis of the state of Public-Private Partnerships (PPPs) in Kosovo, including the main stakeholders, the need for legal amendments and alignment with the EU Directive, transparency and open data, and interoperability with other electronic systems in Kosovo.

The Law on PPPs provides for two forms of contracting, each of which is developed through different procedures. This has also determined the methodology for data collection and analysis.

In Kosovo, according to the Law on Public-Private Partnerships adopted in 2011, we distinguish between:

PPP in the form of a public contract, which is developed through the Public Procurement Law and the e-Procurement platform. Since data from the e-Procurement system can be accessed through an API and contains extensive details, it was possible, through Excel exports, to identify PPP cases in the form of public contracts. The PPP data system for public contracts was analyzed by identifying the data fields available through the API, which could also be used for the digitalization of concession applications and their management.

PPP in the form of a concession, on the other hand, is developed through the procedure provided under the Law on Public-Private Partnerships. In this form of PPP, the private partner gains the right to collect fees directly from users of the service or infrastructure. Data related to concessions was first gathered by reviewing the archive of the PPPKosova.org website through Archive.org, as well as the section on the website of the Ministry of Finance, Labour and Transfers related to concessions developed after the closure of the PPPKosova.org website.

Meanwhile, the methodology for identifying legal gaps and alignment with the EU Directive focused on the areas affected by the digitalization and opening of data related to concessions.

1. Introduction

Public-private partnership (PPP) is a model of cooperation between public sector institutions and private companies to provide a public service. Usually, this cooperation in most cases occurs when public institutions lack the financial means to carry out a certain investment. This mode of cooperation allows both parties to benefit from each other's resources and experience, making this model an efficient tool to stimulate the country's economic growth and development.

Cooperation between the public and private sectors in the implementation of investments offers numerous advantages such as:

- the possibility of completing large investments that cannot be fully financed by public funds,
- utilizing the experience of private partners for the management of investment projects,
- the distribution of risk between the parties.

In addition, PPPs can bring new innovations to public services and provide better control over project costs and deadlines.

In Kosovo, according to the Law on Public-Private Partnership adopted in 2011, ¹we distinguish:

- PPP in the form of a public contract which is developed through the Law on Public Procurement and the e-Procurement platform. Here, payment for the investment and operation of infrastructure is made regularly by the Public Authority based on the performance, quality and availability of what is built by the private partner.
- PPP in the form of a concession which is developed through the procedure provided for under the Law on Public-Private Partnership. In this form of PPP the private partner acquires the right to collect fees directly from users of the service or infrastructure (e.g., passenger ticket payments, motorway or parking fees).

Due to the two different ways of developing PPPs, there are major differences in terms of data publication and transparency. PPP in the form of a public contract, since it uses e-Procurement, then there is a high level of transparency and structured data. However, PPP in the form of concessions does not use any electronic portal to manage the entire process. Notices for concessions are published in a section of the Ministry of Finance² website, there is no structured data and each file must be opened one by one to be able to analyze the data.

The number of requests from public institutions to initiate a PPP may vary based on their specific needs, capacities and priorities. There are currently only three active PPP agreements in Kosovo. There are several others that are in the proposal phase. The municipalities of Prishtina and Gjilan have the highest number of requests to initiate a PPP. By the end of 2025, the number of proposals/projects submitted to the Department for PPP by public authorities to initiate a public-private partnership is 23.³ All of these are requests under review or requests that are expected to start being reviewed in the future.

Contracting authority	Name of the project proposal	Delivery date of the project proposal	Contract duration	Contract type	Phase
Ministry of Finance	ANP "Adem Jashari"	06/2009	20 years	Concession	In the operation phase
Municipality of Gjilan	Infrastructure regulation of the secondary school complex	22/05/2013	15 years	Concession	In the operation phase
Municipality of Prishtina	Underground parking project	17/01/2017	35 years	Concession	In the operation phase
Municipality of Prishtina	The three schools of Prishtina	29/11/2019	10 years	Public Contract	In the construction phase
Municipality of Podujeva	Underground parking	24/03/2022	30 years	Concession	In the tendering phase

Current PPP projects in Kosovo – Data Source collected from the PPP portal – Ministry of Finance

¹<https://gzk.rks-gov.net/ActDetail.aspx?ActID=2784>

²<https://mfpt.rks-gov.net/Partneriteti/Ballina/153>

³https://www.institutigap.org/documents/13701_Partneriteti%20Publik-Privat%20_F.pdf

2. Legal Framework for PPPs and Concessions

Law on Public-Private Partnership

The legal framework governing PPPs in Kosovo is the Law on Public-Private Partnership of 2011. This law is not fully in line with the EU Directive 2014/23/EU on Concessions. However, Kosovo drafted a new law in 2019, which has not yet been adopted.

According to Article 6 of the law, PPPs can be implemented in two forms:

- in contractual form – The contractual form is then divided into two other ways according to Article 7 of the law
 - concession
 - public contract

PPP in contractual form is an agreement that can be in the form of a concession or public contract where the private partner provides a public service or infrastructure on behalf of the public authority, assuming the risk, as well as the financial, technical, construction and operational responsibilities.⁴

- in institutional form - Whereas PPP in institutional form can be established by a municipality through the purchase of the municipality's shares from one or more private partners in an existing public enterprise whose sole function is to perform a public service or provide a public infrastructure, provided that the private partner also participates in the management of the public enterprise or participates in the performance of the public service or the provision of public infrastructure. If the establishment of an institutional public-private partnership requires the sale of shares in a public enterprise that is owned by the Republic of Kosovo, then the establishment of this institutional PPP is subject to the approval of the Government and the Assembly of Kosovo in accordance with the Law on Public Enterprises⁵. More precisely, the Public Authority and the Private Partner together form a new legal entity (i.e. a consortium/partnership). The state and the private entity/ies become shareholders in this new company, jointly sharing risks, investments, decision-making and profits. This structure is usually used in strategic sectors where the state wants to maintain an active institutional presence and control over the project.

Draft Law on PPP

In its legislative program for 2024, Government of Kosovo has foreseen the adoption of a new draft law on PPPs, but this has not happened. This draft law is completed and has passed the public consultation phase since 2019, but has not yet been submitted to the Assembly of Kosovo for review and approval procedures. The draft law was drafted to address the necessary changes to the current law for the approximation of legislation with that of the EU, as defined by the Stabilization and Association Agreement (SAA). More specifically, this draft law transposes the new EU Directive on concessions and aims to eliminate bureaucracy and facilitate procedures for contracting authorities, as well as harmonization with the Public Investment Program (PIP)⁶.

⁴https://www.institutigap.org/documents/13701_Partneriteti%20Publik-Privat%20_F.pdf

⁵<https://gzk.rks-gov.net/ActDetail.aspx?ActID=2784>

⁶ [Consultation document for the Draft Law on Public-Private Partnership final.docx](#)

The current law has similarities with the LPP in terms of procedural deadlines. For example, the request for qualification of bids is 20 calendar days, the same as in the restricted public procurement procedure, where the deadline for submitting the request for pre-qualification is 20 days. Article 27 of the law on PPP states that the criteria are made according to the LPP, while it does not make sense for an article above, article 26, which talks about the invitation for pre-qualification, to be made according to the Law on PPP.

While the one-stage and two-stage procedures on request for proposals are almost identical to the restricted and competitive procedures with negotiations under the Law on Public Procurement.

In Article 32, Tender Security, no security value is specified, unlike the LPP which specifies that the security should be 1-3% of the estimated tender value. While for the submission of proposals according to Article 34, the same as the LPP, the deadline is a minimum of 40 days.

The law has major shortcomings regarding the publication of various documents, which is the responsibility of the PPP Department according to Article 43. Furthermore, the documents are published on the website of this department and not on a website created specifically for this purpose.

When a procedural issue related to the award of a Public-Private Partnership is not regulated by this law, the relevant provisions of the Law on Public Procurement shall apply. If the implementation of the relevant provisions of the Law on Public Procurement requires any approval or decision of the Public Procurement Regulatory Commission or the Central Procurement Agency, the authority to grant such approval shall be exercised by the PPPC.

Law on Public Procurement

The Law on Public Procurement was adopted in 2011 and has been amended three more times, most recently in 2016.⁷ According to the Law on PPP, the award of PPP through a public contract is carried out through the Law on Public Procurement. Article 7.3 of the Law on PPP specifically states:

The award of a Public-Private Partnership in the form of a Public Contract as defined in subparagraph 1.2 of paragraph 1. of this Article shall be made in accordance with the rules and procedures set out in the Law on Public Procurement in the Republic of Kosovo. In relation to all other matters, the Public Contract set out in subparagraph 1.2 of paragraph 1. of this Article shall be regulated on the basis of this Law.

So, the procedure is carried out through the Law on Public Procurement, and the appeal phase is also carried out through this law, where dissatisfied parties can appeal to the Procurement Review Body.

For several years, Kosovo has been in the process of drafting and adopting a new law on public procurement. The new law is necessary to fully align with the EU *acquis* in this field.

However, the efforts have been characterized by significant implementation delays. Although the new Draft Law has been part of the legislative program of the Government of Kosovo continuously (including the plans for 2022, 2023, 2024 and 2025), it has stalled in the final approval processes.

Bylaws

There are no bylaws adopted under the Law on PPPs. However, for the part of PPPs developed under the Law on Public Procurement, several bylaws are in force, the most important of which is the Rules

⁷<https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Ligjet/shq/LPP%20i%20konsoliduar.pdf>

on Public Procurement, which sets out detailed provisions on how PPP procedures should be properly conducted using the approved standard documents.⁸

3. Institutional Framework

Ministries

Ministry of Finance has the greatest institutional weight in the management of PPPs, as it functions as the main financial and regulatory filter, as it leads the PPP Committee which is the main body that approves or rejects PPPs. It then carries out a fiscal risk assessment, as no PPP project can be approved without assessing the impact on the budget. While within this ministry operates the Central Department of PPP, whose role is explained above.

Other relevant ministries are those that have one permanent member in the PPPC and for which they have voting rights.

PPP units

The Law on PPP is quite bureaucratic where the management and supervision of Public-Private Partnership projects is done through a clear structure and where responsibilities are divided between three different bodies:

- **Public-Private Partnership Committee (PPPC):** This is the decision-making body at the government level. It consists of five members: the Minister of Finance (who is the permanent chair) and four other ministers (or deputy prime ministers) appointed by the Government. Its task is to approve or reject proposed PPP projects, approve the tender documentation and assess the financial and economic impact of each project. The PPPC is tasked with maintaining the National PPP Register under Article 17 of the Law on PPP⁹. The PPPC takes decisions to approve or reject a project as suitable for PPP by majority vote. The Minister of Finance has the right of veto.
- **Central Department for Public-Private Partnership (CD PPP):** This department operates within the Ministry of Finance and serves as the technical secretariat for the PPPC. The experts of this department provide professional support, advise institutions, review proposals before they go to the Committee for a vote, and supervise and monitor the implementation of contracts signed over the years.
- **Contracting Authority:** This is the public institution (it can be a ministry, a municipality, or a public enterprise) that initiates and owns the project. The Contracting Authority drafts the feasibility studies, directly manages the procurement/tender procedures, and is the direct manager of the contract with the private partner after signing.

⁸<https://e-prokurimi.rks-gov.net/HOME/Documents/Legislation/Rreguloret/shq/versioni%20i%20konsoliduar%20i%20Rregulores%20Nr.%20001%202022%20i%20plote%C3%ABsuar%20dhe%20dyrshuar%20me%20Rregulores%20Nr.%20002%202024.pdf>

⁹<https://gzk.rks-gov.net/ActDetail.aspx?ActID=2784>

Other actors

PRB – Procurement Review Body is the body that reviews complaints from economic operators regarding alleged violations of the Law on Public Procurement. Since concessions in the form of public contracts use the Law on Public Procurement, any complaints will be submitted to the PRB in accordance with the LPP and Article 46 of the Law on PPP.

4. PPP Data Systems

The Public Procurement Law and consequently the e-Procurement portal are used for the development of procedures for PPPs in the form of a public contract (according to Article 7.3 of the LPPP). In this case, the data is more open as they can be accessed through the API (Application Programming Interface)¹⁰ published by the PPRC, where the API is built based on Open Contracting Data Standard (OCDS)¹¹.

API is a set of rules and mechanisms that allows two different programs or computer systems to communicate and exchange data with each other, without needing to know how each one works internally.

The data that is matched is related to the project description, the procurement process and contract details, and a part of the financial data. While the data on project implementation is not part of e-Procurement and therefore cannot be accessed through the API.

According to the API based on the OCDS format, these are some of the structured data that any interested party can access:

Code	Name	Description
supplier	Supplier	Name of the company that won the contract
Tenderer	Tenderers	Names of all companies that have bid
Procuring Entity	Contracting Authority	Name of the Contracting Authority that published the tender
Tender Name	Tender name	Title of the procurement activity
UID	Identification number	An internal identification number assigned to each tender
Procurement Method	Procurement method	
Procurement Method Details	Procurement method details	
Award Criteria	Award criteria	The lowest price or the most economically favorable one
Value	Value	Estimated tender value
Tears	Lots	Number of lots and their division
Value (Award)	Contract value	
Award Status	Contract award status	
Contract Period	Contract period	Start and end date

¹⁰ [ASP.NET Web API Help Page](#)

¹¹ [Primer — Open Contracting Data Standard 1.1.5 documentation](#)

The API includes several categories in these links:

<https://ocdskrpp.rks-gov.net/KRPPAPI/Parties>

<https://ocdskrpp.rks-gov.net/KRPPAPI/Award>

<https://ocdskrpp.rks-gov.net/KRPPAPI/Bids>

<https://ocdskrpp.rks-gov.net/KRPPAPI/Tender>

<https://ocdskrpp.rks-gov.net/KRPPAPI/Partyrole>

<https://ocdskrpp.rks-gov.net/KRPPAPI/Document>

First link includes all data related to economic operators registered on the platform.

Second link includes data related to the contract winner, such as the name of the economic operator, the contract price, the date of contract award, etc.

Third link includes data regarding all bidders for a given tender, such as the tender name, bidder name, each bidder's price, bid submission date, etc.

Fourth link includes data about the tender, such as the tender title, unique code, procurement number, division into lots, estimated value, publication date, etc.

Fifth link includes data about the roles of actors who are registered on the platform and converts the following data into:

- Supplier
- Buyer
- Donor
- Bidder
- Contracting Authority

While the sixth link shows the types of documents that can be accessed through the API, their link, publication date and procurement number.

These are just some of the data in the system that can be accessed in a structured form and exported via Microsoft Excel in CSV format for further analysis or other platforms that promote transparency can be built.

Whereas, in the case of concessions, there is no structured data since the publication of documents for a while was made on the PPPKosova.org portal, which is no longer active. Whereas now the announcements are published on the website of the Ministry of Finance¹². These documents are in Word or PDF format, while there are no structured datasets that can be used by interested parties. The collection of information and their structuring must be done by the interested person manually by downloading all the documents one by one. So there is no interoperability with the e-Procurement platform. While the Law on PPP does not foresee that concessions be developed through e-Procurement, in the absence of a new law that would change this approach, it is not possible for structured data to exist for now. Since there are not many concessions in Kosovo, there is

¹² [Ministry of Finance, Labor and Transfers - MFPT](#)

also no greater focus on building a platform where one could apply for projects and manage the entire cycle of PPP projects.

The Law on PPP obliges the PPP Commission to maintain the National PPP Register, but there is no information whether this register is accessible online or is a simple document. However, there is no digital, structured data where all PPP projects, both active and in the proposal phase, can be viewed on one page.

Therefore, it is very important to have structured data, preferably in OCDS format, where PPP data could also be collected.

However, although most of the data is open, even of PPP in the form of public contracts, there is no structured data regarding contract management and payments. So data such as payments, payment dates, commencement of contract, and end of contract cannot be accessed through API. Last year, the e-Procurement system was connected to the Public Finance Management System¹³ platform, so there is hope that in the future financial data will also be accessible through API.

5. Open Data and Transparency

As mentioned above, if the PPP procedure is carried out through eProcurement then it is subject to the transparency rules that eProcurement offers as for ordinary public procurement contracts. Economic operators (whether local or international consortia) are allowed to download the tender dossier, ask questions and submit their bids electronically. Other interested parties can download the contract and other data after registering as a natural person.

While a large portion of the data can also be accessed through the PPRC API, mentioned extensively in the previous chapter.

Due to the open data on the e-Procurement platform, several other platforms have been created that enable data analysis, such as prokurimihapur.org or redflags.dplus.org. There are also several other commercial platforms that help interested businesses follow procurement publications through automatic email notifications.

However, in the case of concessions under the Law on PPP, transparency is lacking and there is a great need for digitalization. The PPP Kosovo website has not been functional for a long time. In the past, all PPP announcements were published on that website. Now this page is within the website of the Ministry of Finance and where all data is not filtered by projects (the way e-Procurement works), but is collected by document type, for example, all contract award announcements in one place, and not all announcements related to a project in one place. Due to the closure of the PPPKosova.org website, now all announcements transferred to the Ministry's website have the same publication date. As for open data, they cannot be accessed in any different way but by manually collecting them through downloading published documents.

PPP contracts can last several years. An integrated digital system allows for the creation of a clear audit trail in case of doubts or if the need for changes arises, where all those changes can be saved and kept in one place. So regarding concessions there is a strong need for digitalization of the process and interoperability with other systems such as eProcurement, Kosovo Tax Administration, Business Registration Agency, etc.

¹³<https://e-prokurimi.rks-gov.net/Home/ClanakItemNew.aspx?id=683>

6. Alignment with the EU Directive

The EU Directive regulating the award of concessions is 2014/23/EU which entered into force in 2014.

The Kosovo 2025 Annual Report prepared by the European Union highlights that Kosovo is between some kind of preparation level and medium preparation level and has made limited progress in this area. Kosovo has advanced with the use of the best price-quality ratio criterion, reduced the use of negotiated procedures without prior publication of a contract notice and started to interconnect its e-procurement platform with other government IT systems¹⁴. As regards PPP, the EU highlights in particular that Kosovo needs to:

adopt a new law on public procurement and a new law on public-private partnerships/concessions in line with the EU acquis and the Reform Agenda commitments; develop relevant implementing legislation and ensure its proper implementation;

So the EU's request from Kosovo is to adopt a law on concessions that is in line with the EU Directive. The draft law on PPP has been prepared since 2019, introduced into the legislative agenda in 2021¹⁵, 2022¹⁶, 2024¹⁷, but has not yet been adopted. It should be noted that the request from the EU for the adoption of a new law and approximation of the EU Directive 2014/23/EU on concessions, has been since 2016.¹⁸ So for a decade, Kosovo has not managed to adopt a new law on PPP.

With signing of the Stabilization and Association Agreement in 2016 and its entry into force, one of the actions that Kosovo must undertake is **legal approximation with EU legislation**, the action which has its own challenges. since the SAA stipulates that Kosovo must strive to ensure that its laws in force and future legislation will always be in line with EU legislation or known as, *the acquis* and that its implementation must be done in the proper manner¹⁹.

Since the Law on PPP was adopted before the SAA entered into force, the need for a new law that would be in line with the EU Directive has increased.

On the other hand, the need to amend the Law on Public-Private Partnership also relates to reducing the current bureaucracy in order to achieve greater efficiency in the implementation of PPP projects. These procedures are quite lengthy and require time to prepare by public authorities and to implement. For this reason, it is intended that, in order to facilitate the procedures for contracting authorities, for the possibility of projects of a certain value be allowed.

On the other hand, an OECD/SIGMA report states that “The Law on PPP provides a strong legal framework in this area. However, the Law leaves room for further approximation with the EU acquis, so that the new Directive on Concessions to be transposed”²⁰.

¹⁴https://www.eeas.europa.eu/sites/default/files/2025/documents/Kosovo%202025%20Report_SQ.DOCX

¹⁵ [Legislative-Program-for-2021_27.10.2021.pdf](#)

¹⁶ [Legislative-Program-for-the-year-2022.-27.10.2022.pdf](#)

¹⁷ [Legislative-Program-for-the-year-2024-15-July-1.pdf](#)

¹⁸ [20161109_kosovo_report_2016_alb.pdf](#)

¹⁹ [Consultation document for the Draft Law on Public-Private Partnership final.docx](#)

²⁰ [Baseline Measurement Report , Kosovo \(EN\)](#)

Differences between the EU Directive and the Law on PPP in Kosovo are numerous but can be summarized in a few key points:

- The exceptions regarding which areas concessions can be applied differ between the Directive and the Law on PPP, for example, according to the Directive²¹, concessions cannot be granted for the water sector, such as production of drinking water, wastewater treatment, while the Law on PPP expressly allows their²² concession.
- The duration of concessions is another point which differs. The Law on PPP does not set any time limit for the duration of concessions, but with the approval of the PPPC, a contracting authority may extend the duration of the agreement for an additional period not exceeding $\frac{1}{4}$ (one quarter) of the initial duration specified in the agreement. Therefore, the PPPC plays a key role, approving the extension for $\frac{1}{4}$ of the initial duration, while the Directive does not specify the duration or for how long the initial contract can be extended. Whereas under the Directive there is no approval mechanism that would approve the additional time.
- Institutional framework - EU Directive: Does not impose a specific structure, but requires that processes be managed by the Contracting Authority.
- The Kosovo PPP Law is highly centralized. The role of the PPP Committee (Article 8) and the Central Department for PPP in the Ministry of Finance is dominant. Every project, no matter how small (above certain thresholds), must go through the PPP Committee, which is an administrative burden as this Committee is not always functional, as the Committee has political members (ministers or deputy ministers).

7. Challenges and need for reforms

PPPs are important for economic development, due to their potential for bringing in large investments that improve the lives of citizens. Although there are currently few PPPs in Kosovo that are in the process, Kosovo needs to increase the level of transparency through open data, but first legal changes are needed to align the Law on PPPs with the EU Directive.

The implementation of PPP in Kosovo has several challenges and needs for reforms, which are listed below:

- Approval of the new Law on PPP, which would be less bureaucratic and align with the EU Directive
- Increasing transparency for PPP projects, where it would be enabled all forms of PPP to be applied on a central portal. In this way, transparency would be increased through open data. Greater transparency would enable the prevention of legal violations.

²¹ Article 12. [Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts Text with EEA relevance](#)

²² Article 2 of the LPPP. <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2784>

FOL