

Supreme Decree that provisions the deadline for the submission of co-financed private initiatives on projects in transport infrastructure

## **SUPREME DECREE**

**N° 021-2018-MTC**

THE PRESIDENT OF THE REPUBLIC

WHEREAS:

That Article 58 of the Political Constitution of Peru provisions that private initiative is free. It is exercised on a social market economy. Under this regime, the Government guides the development of the country, and acts mainly in the promotion areas of employment, health, education, security, public services and infrastructure;

That, numeral 45.1 of Article 45 of Legislative Decree No. 1362, Legislative Decree that regulates the Promotion of Private Investment through Public-Private Partnerships and Projects in Assets, establishes that private initiative constitutes a mechanism by which legal entities of the private, national or foreign industries, consortia of the latter, or consortiums of natural persons with legal entities of the private, national or foreign industries, submit initiatives for the development of projects under the modality of Public-Private Partnerships;

That, paragraph 46.1 of Article 46 of Legislative Decree No. 1362 provisions that the submission of private co-financed initiatives for projects to be financed totally or partially by the National Government, is carried out within the deadlines and on the matters determined by supreme decree endorsed by the Heads of the requesting industries and by the Head of the Ministry of Economy and Finance;

That, paragraph 46.2 of Article 46 of Legislative Decree No. 1362, provisions that the industries publish the needs for intervention in public infrastructure, public services, or services related to public infrastructure or public services, as well as their maximum budgetary capacity to assume said commitments, which is previously communicated to them by the Ministry of Economy and Finance;

That, numeral 103.2 of Article 103 of the Regulation of Legislative Decree No. 1362, approved by Supreme Decree No. 240-2018-EF, provisions that, for the issuance of the Supreme Decree, each Ministry must submit to the Ministry of Economy and Finance its multi-annual budget programming for the next ten (10) years and the amounts that are willing to commit, which must be consistent with the Multi-Annual Investment Report in Public-Private Partnerships referred to in Article 40 of the aforementioned Regulation and Multi-Annual Programming of Investments. As a result of the evaluation of said information, the Ministry of Economy and Finance communicates to the requesting Ministry its maximum Budgetary Capacity;

That, numeral 103.4 of the Regulation of Legislative Decree No. 1362, approved by Supreme Decree No. 240-2018-EF, provisions that the Supreme Decree provisions for the submission deadline for Co-financed Private Initiatives regarding the scope and complexity of the intervention needs, which cannot be less than three (03) months after its publication. The submission of Co-financed Private Initiatives is carried out during thirty (30) business days after the expiration of the term established in the Supreme Decree;

That, through Ministerial Resolution No. 915-2017 MTC / 01, the Multi-annual Investment Report on Public-Private Partnerships of the Ministry of Transport and Communications was approved for 2017, which identifies the potential projects of Public-Private Partnerships, in order to be incorporated into the process of promotion of private investment in the following three (03) years after its issuance;

That, having identified intervention needs that are required to be addressed through Public-Private Partnerships financed totally or partially by the Industry, and the Ministry of Transportation and Communications with budgetary capacity to assume the commitments, it corresponds to issue and publish the Supreme Decree provisions the opportunity, deadline and subjects for the submission of Co-financed Private Initiatives by the private industry;

With the approval of the Vice ministerial Office of Transportation, of the General Office of Planning and Budget, of the General Directorate of Concessions in Transport and of the General Office of Legal Advice;

**Important: This is an unofficial translation. In the case of divergence between the English and Spanish text, the version in Spanish shall prevail.**

In accordance with the provisions of Article 58 of the Political Constitution of Peru; Law No. 29370, Organization and Functions of the Ministry of Transport and Communications Act; and its Regulation of Organization and Functions, approved by Supreme Decree N ° 021-2007-MTC; Legislative Decree No. 1362, Legislative Decree that regulates the Promotion of Private Investment through Public-Private Partnerships and Projects in Assets; and its Regulation, approved by Supreme Decree No. 240-2018-EF;

DECREES:

**Article 1.- Deadline for the submission of Co-financed Private Initiatives on transport infrastructure projects**

Establish that the deadline for submission of co-financed private initiatives projects in transportation infrastructure will be three (3) months, from the publication of this supreme decree.

The submission of the co-financed private initiatives is carried out during thirty (30) days after the deadline set in the previous paragraph, according to the intervention needs detailed below:

N <sup>o</sup>	Project	Region	Province	City/District
1	Railroad Lima-Ica	Lima	Lima, Cañete, Chincha, Pisco, Ica	Lurín, Chilca, Mala, Asia, Cañete, Chincha, Pisco and Ica
2	Third Group of Airports	Junín	Jauja	Jauja
		Huánuco	Huánuco	Huánuco
		Cajamarca	Jaén	Jaén
		Moquegua	Ilo	Ilo
		Ancash	Santa	Nuevo Chimbote
		San Martín	Rioja	Rioja
		Huánuco	Leoncio	Tingo María
		Loreto	Alto Amazonas	Yurimaguas

**Article 2.- Publication in the institutional site of PROINVERSIÓN**

Provide that within a period of ten (10) business days, from the publication of this supreme decree, the Ministry of Transport and Communications shall send to the Agency for the Promotion of Private Investment-PROINVERSION information on the intervention needs and capacity maximum budget to finance the Co-financed Private Initiatives that are submitted within the framework of the provisions of article 1, for its publication on the institutional site of the Agency for the Promotion of Private Investment-PROINVERSIÓN.

**Article 3.- Financing**

The implementation of the provisions of this regulation is financed from the institutional budget of the Ministry of Transport and Communications, without requiring additional resources from the Public Treasury.

**Article 4.- Endorsement**

This Supreme Decree is endorsed by the Minister of Transport and Communications, and the Minister of Economy and Finance.

Signed at the House of Government, in Lima, on December 29, 2018.

MARTÍN ALBERTO VIZCARRA CORNEJO

President of the Republic

CARLOS OLIVA NEYRA

Minister of Economy and Finance

EDMER TRUJILLO MORI

Minister of Transport and Communications

1727558-21

**Important: This is an unofficial translation. In the case of divergence between the English and Spanish text, the version in Spanish shall prevail.**