THE PUBLIC -PRIVATE PARTNERSHIP - A BENEFIT OR A CHALLENGE FOR THE MACEDONIAN PUBLIC HEALTHCARE SYSTEM

Kristina MISHEVA

Faculty of Law, Goce Delcev University of Stip, Republic of North Macedonia
kristina.miseva@ugd.edu.mk
https://orcid.org/0000-0002-2327-7358

Abstract: Financing the public health system remains a major challenge for post-transition countries and small economies such as the Republic of North Macedonia. Healthcare PPPs require the setup of complex legal and financial frameworks. They are usually set up to mitigate the fiscal costs and public finance resources needed to build capital infrastructure. Lately, the public enterprises established by the government or the local government in the region have entered long-term purchase agreements that are like PPPs. In practice, PPPs are very popular in the transport, energy, and water sectors (investment in infrastructure in toll roads, electricity networking, water supply and wastewater treatment, etc.). However, when it comes to the PPPs in the public healthcare sector, these models of financing seem to be facing restrictions and don’t enjoy the same popularity as in other sectors for public services.

Therefore, this paper will overview the appearance and legal position of the PPPs in the Macedonian public healthcare system and new competences for sustainable public healthcare systems. In addition, it will tackle the question: What are the legal positions of the public and private partners, and what are the financial implications (pros and cons) of using this model of investment in the public healthcare system?

Keywords: Private-public partnership, public healthcare system, fiscal effects

INTRODUCTION

The public private partnership (further: PPP) has mainly been seen as a mechanism to provide additional finances for public services and functions. It is considered as a relatively new form for financing the public needs. Therefore, PPP’s has been used as a long-term model for financing and supporting the public needs from the private sector. This model is seen as a formal cooperation between the public and the private sector worldwide. Public partner is a legal entity that gives an agreement for the establishment of a public private partnership. Private partner is a domestic or foreign legal entity or natural person or consortium with whom the public partner concludes an agreement for a public-private partnership. Consequently, they are foreseen mostly as a sui generis type of agreement that appears in form according to special law. The PPP’s are part of the development strategies of any country, and the governments use it’s as an alternative method for capital investments, financing, services
delivery and other crucial infrastructure developments. The PPS is very well familiar type of partnership that brings together the private industry and the public sector in joint undertake in multiple countries. PPPs are a form of long-term contract between a government and a private entity, through which the government and private party partner in the provision of public services. PPPs are distinguished from other government private contracts by: the long-term nature of the contract (typically 15+ years); the shared nature of the investment or asset contribution; and the transfer of risk from the public to the private sector [1]. There is no unified definition, but it should be mentioned that depending of legal systems these joint undertakings appear as different models\(^1\) and special features, thus based on the same or similar guiding principles (transparency, non-discrimination, proportionality, efficiency, equal treatment and mutual recognition). These principals enable the leverage of the use of PPS’s in the area of transport, telecomunications, water, health, etc. according to the theory and practice.

1. THE AIM OF THE USE OF PUBLIC-PRIVATE PARTNERSHIP

In global range the government face with a lot of challenges and constrains concerning the public healthcare systems, especially the transformation of the traditional healthcare systems to digital. The public health systems got so severely hit by the appearance of the COVID-19, that the amount the pressure and burden that was followed by reconductoring the global healthcare architecture. The developing countries found it hard to follow the increased healthcare costs, rapidly changing healthcare technology, and the need to deliver high-quality healthcare services. Therefore, the need for using alternative ways to improve, develop, sustain and finance the public health system in the transition counties seems to be became *sine qua non*, especially in implementing large infrastructure projects. “The importance of PPP is in the following: overcoming the problem of insufficient budget funds for realization of large projects; the pursuit of greater benefit on the basis of the use of know-how and the methods of work of the private sector and the change the role of the public sector from a direct participant in an entity that appears as an organizer, controller and regulator” [14].

The governments worldwide (from low to high income countries) have engaged the private sector in partnership in the area of transport, energy, waste, wastewater and in in the last few decades in healthcare. This long-term partnership between the private and the public partner is regulated by special national law, and by its legal nature it is considered as a long-term contract between public and private party in the provision of public services. The public-private partnership should bring a benefit of public interest that exceeds the benefits resulting from the usual way of providing conditions for the performance of public services, or to be seen “in function to fulfilment of the public needs” [13]. A benefit of public interest means in particular cost savings for the public partner, a higher standard of services provided and other public benefits. There is no unified definition about what PPS are, but mostly they follow several elements that almost every definition has it in its core. Mainly it has been seen as a form of cooperation between public authorities (public partner) and private economic operators, often in order to provide financing, construction, renovation, management and maintenance of infrastructure or to provide a service for benefit a public interest. According to the IOB study the Public-Private Partnerships in developing countries “in only 4 out of the 18 case studies the definition of PPP is explained”\(^2\) They have summarized these definitions in a so-called Word cloud and the outcome shows that most definitions contain the words “joint”, “government” and “collaborations".\(^3\) In some extended sense, we may see

\(^1\) For the most common model see supra in the text.


\(^3\) Ibidem
the PPP as a *sui generis* long-term agreement with a clear goal (public interest) between two parties: 1) Public partner that is always legal person (public authority) and 2) Private partner that might be legal entity or natural person or consortium. These are the basic elements of recognition of every PPP agreement.

The PPP should be considered as a complex procedure that demands previous economic and legal activities to be undertaken. These activities need to be undertaken by different stakeholders and needs to be carefully planned. Therefore, the PPP’s, before it’s signing, are considered as a project that requires *ex ante* set of interdependent activities based on a previously made analysis of the assessment of economic and functional justification of PPPs.

2. BRIEF OVERVIEW OF THE TYPES OF THE PPP IN EU AND IN ACCORDANCE WITH THE MACEDONIAN LAW

According to the EU practice, there are several types of public tendering procedures in EU: Open procedure- in an open procedure anyone may submit a full tender. This procedure is used most frequently; Restricted procedure- anyone may ask to participate in a restricted procedure, but only those who are pre-selected may submit tenders; Competitive negotiated procedure- in competitive negotiated procedures anyone may ask to participate, but only those who are pre-selected will be invited to submit initial tenders and to negotiate; Competitive dialogue- this procedure can be used by a contracting authority with the aim of proposing a method of addressing a need defined by the contracting authority; Innovation partnership- this procedure may be used when there is a need to purchase a good or service that is still unavailable on the market. A number of companies may participate throughout the process; Design contest- this procedure is used to obtain an idea for a design [26].

When it comes to PPPs in healthcare, three most common PPPs models can be found:

1. The infrastructure-based model: Under the Infrastructure-based PPP model, the private partner is contracted to build, rebuild or replace a public asset, and is responsible for maintaining the infrastructure throughout the life of the contract, usually long-term contract for 25-30 years. The private partner is responsible for the following: Design, Build, Finance, Maintain, Operate. This model is widely used around the world (UK, Canada, Australia, Italy).

2. The Discrete Clinical Services model is used to improve management of clinical service delivery for specific, high-demand services; to improve quality of and access to specific clinical services; to mobilize private sector involvement in the delivery of healthcare services. These types of contracts exist in many forms and can cover a variety of services, including laboratory, diagnostic, dialysis and other specialist services. The private partner is primarily responsible for: Finance; Maintain and Operate & Deliver. usually short- to medium-term in duration (less than 10 years) to align with the lifecycle of clinical. This model has been implemented across a range of countries that experience inadequate capacity for specific clinical services (India, Romania).

3. The Integrated PPP model - the private partner is responsible for Design, Build, Finance, Maintaining, Operate and deliver. This model requires a complex set of agreements with the private partner (or private consortium) to manage the components of financing, design, construction and service delivery. Transferring responsibility for clinical service delivery to a third party represents a major change for governments, as they must shift from being a provider of services, to a more arms-length relationship as a contractor of services and manager of quality via contract and performance management. (Africa, Spain, Peru) [1, 24-30].

PPP agreements can take various forms, such as concessions, service contracts, joint ventures, or build-operate-transfer arrangements. The use of the PPP’s model is mainly left on the parties. Therefore, despite the fact that the domestic laws and EU regulation
frame particular content of the PPPs agreement and follow the EU’s acquis, they are usually used in the way that can be changed and modified according to the priorities of the parties. There is no restriction about what kind of the most frequent type of the PPPs is used in the healthcare system.

In practice, assessing a PPP project involves both gathering specific project information and making judgments about the government’s role at key stages of the project cycle used in the health care [23].

2.1 Institutional framework of PPPs in North Macedonia

In accordance with the Law on Concessions and public-private partnership, the institutional framework is consisted with a large number of participants and parties involved with in the process, especially when it comes to the authorities responsible for initiating and implementing the process of the previous activities and actions before establishing the PPP and the public partner in the contract, such as: representatives of the government (ministries) or “bodies governed by public law”. The Government establishes a Public Private Partnership Council comprised of 15 members with a mandate of four years [7, article 13, paragraph 1]. Members of the Council are representatives from: 8 ministries (the Ministry of Economy, the Ministry of Finance, the Ministry of Transport and Communications, the Ministry of Healthcare, the Ministry of Education and Science, the Ministry of Agriculture, Forestry and Water Resources Management, the Ministry of Environment and Spatial Planning, the Ministry of Culture), the General Secretariat of the Government of the Republic of Macedonia – Office of the Deputy Prime Minister of the Government in charge of economic affairs and coordination with the economic departments, the Public Procurement Bureau, the ZELS, the business community, as well as independent experts particularly in the field of economics and law. The Council have an advisory role for the Government of the Republic of Macedonia in the field of public private partnership.

Another body that should be consider in the process of the application of PPPs is the Public Procurement Bureau, the legal status of this body is regulated in the Law of Public Procurement as a state administration body within the Ministry of Finance. Furthermore, the State Appeals Commission on Public Procurement is another subject that should be mentioned. This Commission is a state authority that among many competences, given in the Law of Public Procurement, “resolves appeals in the procedures for awarding contracts for concessions and public private partnership” and has the power to “review and remedies in the contract award procedures for public private partnership”. The State Appeals Commission (SAC) is the independent review body for public procurement procedures. Since 2012, it became a responsible body for review of public private partnership procedures as well. It is composed of a president and four members appointed by the Assembly for a term of five years, with the possibility of re-appointment.

2.2 Principles and Legal background of the PPP’s in North Macedonia

The PPP’s is a complex undertaking based on agreement where the public partner and the private partner needs to follow several principles that differ from the “traditional” agreements. On one hand the principle of public interest, on the other the principle of market competition. The public partner also needs to take in consideration the principle of equality and to offer fair and equal treatment for any interested private partner, additionally to be transparent and objective by presenting all conditions in integrity by following the principle of non-discrimination. We should explicitly underline that the public interest is a central prerequisite for concluding a PPP. Additionally, we should state that the core principle and that is

4 See: Article 43, Law on Public Procurement
5 About the review procedures, capacities and competences of this Commission see Title VIII Chapter 1, (Ibiden)
the political will and decision conduct thought the principle of legitimacy.

In our domestic legal system, closely related law is the Law on public procurement \[18, 17\].\(^6\) The application of this law is clearly stated in article 15 of the Law on concessions and PPP and refers to the procedures for awarding contracts for establishment of a public private partnership. In accordance of article 47 from Law on public procurement and article 15 of Law on public procurement the procedures may be conduct as an open procedure, restricted procedure, negotiated procedure with prior publication of an announcement, or competitive dialogue. In this manner, in 2014, Article 15 was changed and amended, with several articles referring to the mandatory use of an electronic auction “the public partner shall mandatorily use an electronic auction as a final phase of open procedure and restricted procedure where acceptable and appropriate offers are received, as well as of a negotiated procedure with prior publication of an announcement in the cases where no acceptable offer or appropriate offer in an open procedure, restricted procedure, or competitive dialogue is received and where the previous procedure has been annulled without significant change in the initial requirements in the tender documentation, prior to the award of the contract for the establishment of a public-private partnership.”\(^7\)

Consequently, the provisions of this law stipulate the procedures of awarding agreements for public procurement of works and agreements for public procurement of services refers to the Law on concessions and PPPs, the provisions from the Law on public procurement will apply. The procedure for awarding a contract for the establishment of a public-private partnership, following the practice, mostly is conducted as an open procedure that will end with an electronic auction in accordance with the Law on Public Procurement.

### 2.3 The legal nature of the PPP (public private partnership) agreement

The legal nature of a public-private partnership (PPP) agreement can vary depending on the jurisdiction and the specifics of the arrangement. In general, PPP agreements are contractual relationships between a government entity (public sector) and a private sector party are often established to develop, finance, operate, and maintain public infrastructure projects or provide public services. These agreements typically outline the roles and responsibilities of each party, the allocation of risks, the financial arrangements, performance indicators, dispute resolution mechanisms, and other important aspects of the partnership. It is essential for PPP agreements to comply with relevant laws and regulations, including procurement rules, competition law, environmental regulations, and any specific sectoral legislation. Proper legal structuring and drafting of PPP agreements are crucial to ensure clarity, accountability, and compliance with legal requirements. Additionally, PPP agreements are often subject to oversight mechanisms and may require approval from relevant authorities.

It is essential for PPP agreements to comply with relevant laws and regulations, including procurement rules, competition law, environmental regulations, and any specific sectoral legislation. Proper legal structuring and drafting of PPP agreements are crucial to ensure clarity, accountability, and compliance with legal requirements. Additionally, PPP agreements are often subject to oversight mechanisms and may require approval from relevant authorities.

The PPPs are tailored according to special laws, governmental decrees and several bylaws. From a legal perspective, PPP agreements are

---

\(^{6}\) In some countries (for example Croatia) Law on concessions should be taken in consideration as a law with closely related provisions. According to the Croatian law, the legislator adopted two separated laws: Law on concession, NN. 69/17, 107/20, e-link: https://www.zakon.hr/z/157/Zakon-o-koncesijama), Official Gazette of Republic of Croatia No. 69/17, 107/20 and Law on Public private partnership, NN. 78/12, 152/14, 114/18; e-link: https://narodne-novine.nn.hr/clanci/sluzeni/2012_07_1833.html), Official Gazette of Republic of Croatia No. 78/12; 152/14; 114/18 entered into force on 01.01.2019.

In the case of Macedonia above mentioned subject matters are regulated in one act - the Law on concession and public-private partnership.

\(^{7}\) Article 15-a.
subject to both public and private law principles. They are based on contract law, which governs the rights and obligations of the parties involved. Additionally, PPP agreements may also be subject to public law principles, as they involve a government entity and may have implications for public policy, administration, and regulation.

According to the Macedonian legislation, PPS as a type of contract for establishment of private-partner partnership between the public partner and the private partner. The Law defines who can be a public partner (Article 4, paragraph 1, point 5). Who can be a public partner is determined according to the Law on concession and PPPs: A public partner is legal entity who awards contracts of PPPs: Republic of North Macedonia (government), the city of Skopje and the municipalities in the city of Skopje, public enterprises, public institutions, trading companies founded by the Republic of North Macedonia, the municipality, the city of Skopje and the municipalities in the city of Skopje and companies over which the state or the authorities of the municipality, the city of Skopje and the municipalities in the city of Skopje have direct or indirect influence through ownership of them i.e. own the majority of the company’s capital, have a majority of votes of the shareholders/partners and appoint more than half of the members of the management or supervisory board, i.e. the management bodies of the company and other legal entities that, in accordance with the law, exercise public powers in the exercise of public activities. When it comes to the Macedonian legislation, in accordance with Article 5 of LCPPP, Public private partnership is a form of contractually regulated, long-term cooperation between the public partner and the private partner... where the private partner assumes the obligation to provide a public service for the end users in fields of competence of the public partner and/or the obligation to provide the necessary prerequisites for the public partner to provide a public service for the end users and/or activities within its competence” [5, 6].

The legal nature can be seen though the private law as a civil contract with defined obligations for both parties, on one hand, and as administrative agreement where the basic legal provisions are set by specific law, on the other.

Overall, PPP agreements have a sui generis legal nature, combining elements of public and private law to facilitate collaboration between the public and private sectors in delivering infrastructure and services for the public good.

3. REGISTER OF AWARDED CONTRACTS FOR ESTABLISHMENT OF A PUBLIC PRIVATE PARTNERSHIP, REGISTRATION OF PUBLIC PRIVATE PARTNERSHIPS IN THE REPUBLIC OF NORTH MACEDONIA

According to the Macedonian law on concessions and PPP’s, the Ministry of Economy has authority and obligation to open and keep a Report and Register of awarded agreements. The so-called Register of awarded PPPs agreements is published on the website of the Ministry of Economy [6, article 56]8. The Government of the Republic of North Macedonia prescribes the form, content and manner of keeping the Register [6, article 56]. By comparative overview, we may note that the competent authority for keeping the Register differs in some of the ex-YU countries Republic of Serbia and Republic of Croatia. For example, in these two countries, following their legislation competent authority in Serbia (neighboring country of Republic of North Macedonia) for keeping the Register is the Ministry of Finance,9 or in the case with Croatia (nowadays state member of the EU), competent authority is the Agency for Public-Private Partnership10 and a legal entity with public powers established by the Government

8 Article 56 paragraph, Law on Law on concessions and public private partnership, Official Gazette of Republic of North Macedonia No. 6/2012...65/2023
on the basis of the Law on Public-Private Partnership [8].

In accordance with Article 14, the Ministry for Economy is a competent body for set of activities when it comes to the public-private partnership that carry out activities, such as keeping and maintaining the Register of Awarded Contracts for Establishment. In order to ensure promotion, support and to enhance the efficiency of the initiatives for establishing PPP, we may say that the Ministry of Economy has pivotal role in establishing and maintaining effective system for the PPP.

4. PPPS IN HEALTHCARE

Public-private partnerships (PPPs) in healthcare involve collaboration between public sector entities, such as government health departments or public hospitals, and private sector partners, including healthcare providers, insurers, pharmaceutical companies, or technology firms. These partnerships aim to improve the delivery of healthcare services, increase access to quality care, and enhance overall health outcomes through leveraging the respective strengths of both sectors. In practice a lot of countries are faced with a difficulty in financing the public healthcare system and in time delivery of quality healthcare services. Consequently, the use of the PPPs partnerships is very popular in the world. This is also the case in most transition and post-transition countries as our country.

4.1 Most common PPP models in healthcare

In The Netherlands “there are currently more than 600 PPPs in the Dutch Life Science and Health (LSH) sector of various shapes and sizes. Most of them have a project-based approach.... are also some strategic, thematic, long-term collaborations that strive for innovative moonshots within large, national consortia. These consortia are referred to as “strategic public-private partnerships. Currently, the Top Sector LSH is supporting about 30 of these strategic PPPs” [2]. says Laura Duran, director of international relations at the Netherlands’ Top Sector Life Sciences & Health.

Here are some common models of PPPs in healthcare:

- Infrastructure Development: PPPs can involve the construction, renovation, or management of healthcare infrastructure, such as hospitals, clinics, diagnostic centers, or medical laboratories. The private sector partner may finance, build, and operate these facilities under a long-term agreement with the government, while the public sector retains oversight and service delivery responsibilities.

- Service Delivery: PPPs may focus on delivering specific healthcare services, such as primary care, specialty services, or telemedicine, through collaboration between public and private providers. This model can help improve service quality, efficiency, and patient satisfaction by combining resources and expertise from both sectors.

- Healthcare Financing: PPPs can also involve innovative financing mechanisms for healthcare, such as health insurance schemes, voucher programs, or health savings accounts. Private insurers or finance companies may partner with the government to expand coverage, manage risks, and ensure financial sustainability of healthcare services.

- Health Technology and Innovation: PPPs in healthcare innovation involve partnerships between public research institutions, private companies, and healthcare providers to develop and implement new technologies, treatments, or digital health solutions. These collaborations can drive research and development, improve health outcomes, and address emerging healthcare challenges.

- Capacity Building and Training: PPPs may focus on strengthening healthcare workforce capacity through training programs, knowledge exchange, or professional development initiatives. By partnering with private sector

---

11 See more: Ibidem, Article 14 paragraph 1 alinea 2 and Article 56.
12 For more see: (https://codeblue.galencentre.org/2023/01/19/lessons-from-netherlands-on-public-private-partnerships-for-health-moonshot/). Last accessed December 2023
In accordance with the Macedonian legislation, the PPS can be established only by agreement in one of the following forms: 1) Concession for public work; 2) Concession for public services; 3) Contract for public procurement of activity or 4) Contract in the form of a public procurement for services. Additionally, there is a legal possibility of combine agreement in case of concession of public work and concession of public service [6, article 6].

By the analyses that the author has made, since 2018 (the year when the actual PPP’s Council was established by the Government13), the Government has evoked 3 initiatives to commence procedure for PPPs in the area of public healthcare: 1) Decision to commence a procedure for awarding a contract for establishing a public-private partnership for integrated management with innovative solutions for surgical procedures and health protection against hospital infections [10]; 2) Decision to commence a procedure for awarding a contract for public private partnership through the establishment of a modern platform organization as an effective carrier of the helicopter emergency medical system in the Republic of North Macedonia (HEMS) and helicopter search and rescue services (SAR)14, and 3) Decision to commence a procedure for awarding a contract for the establishment of a public-private partnership for the construction of multi-storey prefabricated garages in the “MOTHER TEREZA” clinic complex – Skopje [11]. All decisions were annulled according to Article 114 from the Law on Public Procurement. Paragraph 1, Article 114 stipulates that: The contracting authority may cancel the public procurement procedure and adopt a decision on cancellation of the procedure if: the number of candidates is below the minimum number envisaged or no tenders or no acceptable tenders have been submitted.

4.2 BENEFITS OF PPPS IN THE PUBLIC HEALTHCARE SYSTEM

Improved Access to Healthcare Services: PPPs can help expand access to healthcare services, especially in underserved areas or marginalized communities, by leveraging the resources and expertise of both public and private sectors.

Enhanced Service Quality: Collaboration between public and private entities can lead to improved quality of care, better patient outcomes, and greater patient satisfaction through the application of best practices and innovative solutions.

Increased Efficiency and Cost Savings: PPPs can promote efficiency gains, cost savings, and value for money in healthcare delivery by optimizing resource allocation, introducing new technologies, and streamlining processes.

Infrastructure Development: PPPs can facilitate the construction, renovation, or maintenance of healthcare infrastructure, such as hospitals or clinics, by attracting private investment and expertise in project management and facility operations.

Innovation and Technology Adoption: Partnerships with the private sector can drive innovation in healthcare through the development and adoption of new technologies, treatments, or digital solutions that enhance diagnostics, treatment, and patient care.

4.3 CHALLENGES OF PPPS IN PUBLIC HEALTHCARE SYSTEM

In generally, establishing an PPPs agreement aims to improve efficiency, investment, diversification of the risk and so on. However, it is inevitable to mention that there are a lot of challenges that may comprise form this partnership. While PPPs in healthcare offer opportunities to enhance service delivery, innovation, and efficiency, they also present...
complexities and risks that need to be carefully managed to realize their full potential and deliver positive outcomes for patients and populations.

Here are some of the challenges:

Complex Governance and Regulation: Managing PPPs in healthcare requires navigating complex governance structures, regulatory frameworks, and legal issues, which can pose challenges in terms of accountability, transparency, and compliance.

Risk Allocation and Management: Allocating risks effectively between public and private partners is essential for the success of PPPs, as uncertainties related to funding, performance, or legal matters can impact project viability and sustainability.

Affordability and Equity: Ensuring that PPPs in healthcare are affordable, equitable, and accessible to all socio-economic groups is crucial to prevent disparities in service provision, coverage, or quality of care.

Sustainability and Long-Term Viability: Maintaining the sustainability and long-term viability of PPPs in healthcare requires careful planning, monitoring, and evaluation to address financial, operational, and contractual challenges that may arise over time.

Community Engagement and Stakeholder Participation: Engaging stakeholders, including patients, healthcare providers, civil society organizations, and local communities, is important for building trust, securing support, and addressing concerns related to PPPs in healthcare.

5. RECOMMENDATIONS AND CONCLUSIONS

The practical implementation of the Law on concessions and PPP’s is quite in line with lege scripta. The Law constitutes a solid basis for the development of PPP in the country provided the financing and arbitration issue can be solved in accordance with international best practice for PPPs. The Law and bylaws as well generally are aligned with the EU acquis, and are duly enforced. Despite the quite welldraft legislation, the legal preconditions for sustainability of PPPs, the numerous benefits and advantages that aims to the PPPs agreements, still, the legislation should be more consistent, clearly providing adequate mechanism for control. In practice, some of the competences of the ministries and competent bodies often overlaps. Maybe this is as a result of the ambiguity in some provisions that refers to the competences of the authorities and the bodies that are entitled to develop, implement and control the awarded PPP. There is insufficiency of information about the initiation, procedure and the content of the PPP’s agreements that has been awarded. Lack of data at the competent authority of the official web links. Therefore, the authorities should enable visibility of all elements of all included parties. In this way, the principles of transparency, proportionality, efficiency and equality to establish and run public-private partnership won’t be questioned. The particularly defined roles of the parties the public partners and all stakeholders) will enable further development of competitive PPPs, with less influence of politics. In the area of the healthcare, this becomes more challenging and takes on even greater significance, and the need for greater expertise and transparency.

The members of the Council of the public-private partnership should tailor their decisions in politically acceptable way, also, they should act in the manner of solidarity and rationality when adopting decisions, even though their decisions have advisory and consultancy nature (non-binding nature). Additionally, the use of the lowest price as a unique criterion for awarding a public-private partnership/concession contract can violate the principle of “value for money”. The establishment of a public-private partnership in healthcare should be seen thought the balance of the needs of the public partner and “common interest” on one hand, and the inclusion of the private sector in providing high quality public services, on the other.

PPPs in healthcare can bring together the resources, expertise, and innovation of both public and private sectors to address healthcare
system challenges, improve service delivery, and promote better health outcomes for populations. Effective governance, transparency, and stakeholder engagement are critical for successful implementation and sustainability of PPPs in healthcare.

REFERENCES


[9] Legal acts (Regulations, laws, bylaws and decisions).


[18] Web sites


Kristina MISHEVA ● THE PUBLIC -PRIVATE PARTNERSHIP - A BENEFIT OR A CHALLENGE FOR THE MACEODNIAN PUBLIC HEALTHCARE SYSTEM

Sažetak: Finansiranje javnog zdravstvenog sistema ostaje veliki izazov za posttranzicijske zemlje i male ekonomije kao što je Republika Severna Makedonija. Javno privatno partnerstvo u zdravstvu zahteva uspostavljanje složenih pravnih i finansijskih okvira. Obično se uspostavljaju da bi se umanjili fiskalni troškovi i sredstva javnih finansija potrebni za izgradnju kapitalne infrastrukture. U poslednje vreme javna preduzeća osnovana od strane vlade ili lokalne samouprave u regionu sklapaju dugoročne kupoprodajne ugovore koji su kao JPP. U praksi, javno privatna partnerstva su popularna u sektoru transporta, energetike i vode (ulaganje u infrastrukturu na putevima sa naplatom putarine, elektroenergetske mreže, vodosnabdevanje i tretman otpadnih voda, itd.). Međutim, kada je reč o JPP u javnom zdravstvu, čini se da se ovi modeli finansiranja suočavaju s ograničenjima i ne uživaju istu popularnost kao u drugim sektorima javnih usluga.

Stoga će se u ovom radu prikazuje pregled pojave i pravnog položaja JPP u makedonskom javnom zdravstvenom sistemu i novih nadležnosti za održive sisteme javnog zdravstva. Pored toga, bavi se i pitanjem: Kakvi su pravni stavovi javnih i privatnih partnera i koje su finansijske implikacije (prednosti i mane) korišćenja ovog modela ulaganja u javni zdravstveni sistem?

Ključne reči: privatno-javno partnerstvo, javni zdravstveni sistem, fiskalni efekti

[21] OECD: financing health expenditures: https://www.oecd-ilibrary.org/sites/0a5be823-en/index.html?itemId=/content/component/0a5be823-en