ABSTRACT

The aim of this thesis is the study of the new law 13/2003, Regulator of the Civil Works’ Concession contract (“Reguladora del Contrato de Concesión de Obras Públicas”) analyzing the most important points and also its possible impacts in the market and other different agents.

To do that, it was necessary to collect and study a big amount of information, but the most important information collected was with the planned interviews with the most important agents of the concessions business. It has been interviewed some Engineering Doctors that have been studying and investigating for years the private-public collaboration; General directors from construction enterprises with long experience in the concessions business; construction enterprises’ representatives; financial economists; lawyers; and finally, one of the direct authors of this law in the ministry of civil works.

With all of these interviews, it has been possible to know the opinion of some professionals working directly in this world, so they are the ones that better know this theme. Also, it has been more interesting that these professionals represent different sectors and interests, so it has been possible to realize different conceptions about the same subject.

I am very grateful to all of them, their collaboration and kindness. Their help and well predisposition have been very useful in order to finish with this study.

With all opinion and ideas of all the interviewed together, it has been realized the study and analysis of all the information and classified in two clear groups: the Spanish needs and previous existing concessions, and the European needs and different concessions experiences in different European or worldwide countries. Also, it has been studied the public-private associations, its implications and benefits, and also a search has been made of the news related to infrastructures and the concessions appeared in newspapers to see the opinion and the vision that can be had through means of these subjects.

With all of this, it has been carried out the conclusions; that means the implications that the new concessions system can give to Spain. For example, the new law introduces a big amount of possibilities, so it became very flexible and gives us a lot of action and business possibilities. It is important to emphasize that the public domain concessions combined with particular based concessions can bring us to the presentation of important and interesting projects. The finance of public infrastructures attached to estate actions will became more important day after day.

In the same way, the progression clause and quality indicators show the new way how the State searches the quality in the concessions exploitation phase. It is this phase the most important point of the concessions. From this point, it will be mandatory a good management to get viable projects and to get good use of all their possibilities.

So it exist a new concept we need to know in order to don’t waste the possible opportunities. Concessions will not be exclusive from toll highways anymore, and their use will be generalized in 4 or 5 years, at the same time with the draw back of European funds in 2007. In the near future, we will see concessions for hospitals, prisons, estate complex, etc.

Finally, it has been done an analysis that allows us to study one kind of finance that will become more and more used in the near future. It has been showed its implications and the possible future evolution of the infrastructure market with the new law 13/2003 “Reguladora del Contrato de Concesión de Obras Públicas”.