

## TITRE 1<sup>er</sup> : LES PARTENARIATS PUBLICS/PRIVES CONTRACTUELS

Sous sa forme contractuelle, le partenariat public/privé scelle une relation entre deux parties, l'autorité publique signant un contrat avec un opérateur privé. Le partenaire public détient le privilège en principe de définir les termes du contrat notamment sa forme juridique et l'étendu des pouvoirs conférés au partenaire privé.

Avec ce type de partenariat public/privé purement conventionnel, le partenariat se fonde sur des obligations réciproques qui consacrent des montages divers attribuant une ou des tâches plus ou moins étendues au partenaire privé. Ces tâches ou obligations peuvent inclure la conception, le financement, la réalisation, l'exploitation d'un ouvrage ou d'un service.

En droit sénégalais, le partenariat public/privé au sens large prend l'une des formes suivantes :

- La délégation de service public ;
- Le CET ou BOT ;
- Le contrat de marché public.

# Partenariat Publics Prive

**OECD**



## **Partenariat Publics Privés:**

*Public-Private Partnerships and Concessions in the EU* Piotr Bogdanowicz, Roberto Caranta, Pedro Telles, 2020-08-28 In view of the fact that public infrastructure health and other services are being more consistently delivered through Public Private Partnerships PPPs and concessions this timely book explores these complex contractual arrangements involving cooperation between public and private sectors It considers that PPPs have become increasingly prevalent following the financial crisis and examines the applicable legal regimes that are still to a large extent unclear to many

**Partenariat public-privé et bâtiment en Europe** Frédéric Bougrain, Jean Carassus, M. Colombard-Prout, 2005 **Le partenariat public-privé comme alternative au financement des infrastructures publiques performantes : mythe ou réalité ?** Kubeterzié Constantin Dabiré, 2019-06-27 Cet ouvrage publié à la suite de la soutenance du Doctorat en Business

Administration DBA du Business Science Institute BSI du Luxembourg porte sur la performance des partenariats public privé PPP au sein de l'Union Economique et Monétaire Ouest Africaine UEMOA En effet des résultats de la thèse du DBA il ressort que la performance globale des PPP est indépendante de la structure financière et de la structure de propriété L'enseignement majeur de cette analyse est la mise en évidence de facteurs endogènes et exogènes qui pourraient expliquer la performance C'est pourquoi cet ouvrage vise mettre en exergue l'analyse de ces facteurs ainsi que leur prise en compte dans la construction d'un environnement favorable L'essor des PPP L'objectif de la recherche consiste à alimenter les réflexions destinées à la construction progressive d'un tel environnement Fortement empreint de terrain et finalisé avec la production de recommandations managériales d'ailleurs cet ouvrage se veut à la fois académique avec la présentation actualisée de l'état de l'art dans le domaine des PPP travers la mobilisation des apports de la théorie économique et financière et appliqué ciblant un lectorat de praticiens cherchant acquiescer un bilan sur l'état des connaissances mais aussi s'imprégner sur les retours d'expérience des PPP réalisés Les résultats obtenus apportant un éclairage utile sur la construction des PPP offrent l'opportunité au lecteur de porter une appréciation personnelle sur la mise en œuvre des PPP au sein de l'UEMOA au regard de la question suivante les PPP sont-ils un mythe ou une réalité Au-delà du sujet des PPP cet ouvrage permet de faire un tour d'horizon des principales problématiques liées à la mise en œuvre des infrastructures en Afrique financement gouvernance contractualisation et cadre institutionnel planification évaluation performance **Le partenariat public-privé** Nicolas Mettan, 1994-01-01 **Le partenariat public-privé dans**

**le cadre UE-ASEAN** Abdelkhaleq Berramdane, Michel Trochu, 2015-05-04 Face à une remise en cause des PPP montages complexes qui il y a quelques années étaient présents en Europe comme dans les pays émergents en particulier ceux de l'ASEAN comme une solution idoine pour réduire la dette et les déficits publics tout en contribuant à la croissance économique et la création d'emplois la question est maintenant posée de savoir si les PPP sont perfectibles L'examen de leurs objectifs et de leurs cadres juridiques En particulier les avantages avancés sont-ils fondés et les dérives d'aujourd'hui peuvent-elles être corrigées De même le large éventail des solutions législatives retenues dans différents États en Europe et en Asie permet-il de douter

certaines convergences et d'améliorer le système français un moment aussi où les grands groupes européens fragilisés économiquement et financièrement par la crise se tournent vers les puissances émergentes de l'ASEAN afin d'accéder leurs marchés via les PPP trouvent-ils dans les législations de ces pays les garanties pour leurs investissements long terme. Les colloques internationaux tenus à Hanoï en 2012 et 2013 réunissant des universitaires, des experts européens et asiatiques, ministres vietnamiens, responsables de l'UE et des conseillers diplomatiques ainsi que des représentants de grands groupes industriels, des avocats internationaux et des bailleurs de fonds ont débattu de ces questions fondamentales qui trouvent leur traduction dans cet ouvrage compilé par un ensemble de documents essentiels à la compréhension de cette problématique.

**Les partenariats public-privé Partager les risques et optimiser les ressources** OECD, 2008-07-08 Cet ouvrage présente dix bonnes pratiques illustrant les questions que doit se poser tout pays souhaitant s'engager dans un partenariat public-privé PPP. *Public-Private Partnerships* Paolo Urio, 2010-12-18 Public-Private Partnerships aims to discover the conditions under which public-private partnerships may provide a viable alternative to the provision of public services and infrastructures by the state while achieving efficient, sustainable, peaceful and equitable development in four transition countries: China, Poland, Russia and Ukraine. These countries have experienced command economy under communist rule for at least thirty years. They have only recently introduced market mechanisms. In spite of a huge literature in favor of public-private partnerships in the West, scientific/empirical evidence is generally mixed and balanced. Success or failure depends upon many factors that need to be identified and analyzed. Moreover, economic performance may be achieved at the expense of other criteria such as equity, public scrutiny and accountability. This research is a cooperation between the University of Geneva and the United Nations. It is the first attempt to evaluate public-private partnerships based upon a review of the literature in Europe, documentary analysis and in-depth interviews in the four countries with representatives of the public and private sectors as well as civil society organizations. **Public-Private Partnerships** Sara Valaguzza, Eduardo Parisi, 2020-01-31 This insightful book critically examines the phenomenon of public-private partnerships through a global theoretical lens. It considers the reasons for merging private entities and public administration as well as the processes and consequences of doing so. The benefits for the community as well as the radical changes in the principles and modalities of administrative activity are theorized and discussed. *The Economics of Public-Private Partnerships* Stéphane Saussier, Julie de Brux, 2018-01-03 This book investigates the economic decisions behind the implementation of public-private partnerships (PPPs). The first part of the book discusses different forms of public procurement contracts in particular in France and the UK and provides an economic analysis of the potential advantages and pitfalls of public-private partnerships. This exploration of PPPs' efficiency also includes an examination of the financing conditions of public procurements as well as regulatory requirements. By reviewing empirical studies on PPPs, the second part of the book compares their advantages over purely public solutions and offers practical guidance on their implementation. Practitioners will also learn best practices on how to

involve stakeholders in calls for bids      **Public Private Partnership Contracts** Mohamed Ismail,2020-03-18 This book provides a comprehensive overview of the law surrounding PPPs in the Middle East and North African region The significance of liberalised and integrated Public Private Partnership Contracts as an essential component of the world legal and policy order is well documented The regulation of PPPs is justified economically to allow for competition in the relevant public service and to achieve price transparency thus resulting in significant savings for the public sector In parallel to the economic justifications legal imperatives have also called for the regulation of PPPs in order to allow free movement of goods and services and to prohibit discrimination on grounds of nationality The need for competitiveness and transparency in delivering public services through PPPs is considered a safeguard to achieve international standards in delivering public utility services First it assesses the compatibility of the current PPPs legislation and regulation in the MENA region with the international standards of legislation and regulation prevalent in many other countries including the UK France and Brazil Secondly it compares the practices in the MENA region with those of international bodies such as the OECD and World Bank Comparisons are then made between the MENA countries and those in Europe and Asia with regard to the influence of culture policy and legal globalization The book will be of interest to scholars and students in the field of international contract law public law and state contracts finance law and private law      **Public Private Partnerships for Infrastructure and Business Development** Stefano Caselli,Veronica Vecchi,Guido Corbetta,2016-04-08 Public Private Partnerships for Infrastructure and Business Funding is ideal for scholars and practitioners who work in the field of public policy design and implementation finance and banking and economic development      *Public Private Partnerships for Social Development and Impact* Baporikar, Neeta,2025-04-04 Public Private Partnerships PPPs have become a critical tool for social development and impact By combining the resources innovation and efficiency of the private sector with the public sector s practices in inclusivity equity and long term social goals PPPs can address complex social challenges These partnerships are valuable in sectors like healthcare education and infrastructure where high investment and expertise are needed to meet the needs of underserved populations As global issues like poverty inequality and climate change demand collaborative approaches PPPs offer a creative model for sustainable inclusive development that delivers tangible benefits to communities Understanding how these partnerships operate and their potential for transformative social impact is crucial for harnessing their full potential Public Private Partnerships for Social Development and Impact examines how governments can integrate public and private sector practices to improve education healthcare and business organizations It explores the social impact of public private partnerships including updated policymaking climate impact acknowledgement and sustainable infrastructure and development This book covers topics such as knowledge management personalized education and culture studies and is a useful resource for business owners policymakers sociologists educators academicians researchers and scientists      *Développement territorial durable : renforcement des relations intersectorielles* Council of Europe,2003-01-01 L

aménagement du territoire joue un rôle important dans le renforcement des relations intersectorielles. Mais la diversité de l'environnement des valeurs culturelles et des caractéristiques nationales et ethniques est un atout majeur en Europe qu'il convient de préserver et de mettre en valeur dans le contexte de la mondialisation. Il est tout aussi important de réduire les disparités entre pays ruraux et communes d'Europe en matière de qualité de vie, de perspectives économiques de prospérité et de niveau de développement. La question de l'accès aux services essentiels, accès à l'eau potable, assainissement des eaux usées, collecte et traitement des déchets, transport public, construction durable, dans ce contexte prend ici toute son importance.

Ouvrage en anglais et en français      **Économie des partenariats public-privé** Antonio Estache, Stéphane

Saussier, 2019-10-01. Cet ouvrage se veut à la fois académique avec une présentation des arbitrages économiques intervenant dans les choix de mise en œuvre des partenariats public-privé et appliqué visant un lectorat de praticiens cherchant avoir un bilan accessible de l'analyse économique de ces accords, mais aussi des études empiriques existantes. La première partie de l'ouvrage est basée sur les apports de la théorie économique. Les différents outils de la commande publique et leur poids dans l'économie mondiale sont présentés. Le cas particulier du contrat de partenariat, nouvellement créé en 2004 en France, fait l'objet d'une attention particulière. Nous présentons ensuite une analyse économique des avantages potentiels, mais également des possibles défaillances des partenariats public-privé. Ces possibles défaillances peuvent rendre nécessaire une régulation fine de ces arrangements contractuels. Enfin, la question de l'efficacité des partenariats public-privé ne peut se poser sans un regard sur les conditions de financement de ces outils de la commande publique. L'impact de la crise économique sur le financement des partenariats public-privé est ainsi étudié. La deuxième partie de l'ouvrage est consacrée aux études empiriques. Ces études sont de plus en plus nombreuses et portent aussi bien sur les pays développés que sur les pays en développement. Des enseignements sont tirés quant aux difficultés de mise en concurrence des acteurs lors des appels d'offres et d'exécution des partenariats public-privé. Un bilan des études cherchant à comparer la performance des partenariats public-privé avec la solution publique est proposé. Enfin, la question des ententes dans les partenariats public-privé est traitée dans un dernier chapitre.

Ont également contribué à la rédaction de cet ouvrage : Miguel Amaral, Laure Athias, Jean Beuve, Lise Chever, Eshien Chong, Guillaume Farde, Aude Le Lannier, John Moore, Zoé Le Squeren, Frédéric Marty et Carine Staropoli.

Les unités consacrées aux partenariats public-privé

Une étude des structures institutionnelles et de gouvernance OECD, 2010-05-26. Les unités consacrées aux partenariats public-privé (PPP) sont des organismes créés en totalité ou en partie avec l'aide de l'État pour veiller ce que les compétences requises pour gérer la fourniture de biens et de services par des tiers.

**STI Revue, Volume 1998 Numéro 2 Les partenariats public-privé en science et technologie** OECD, 1999-02-09. Dans les pays de l'OCDE, les partenariats public-privé sont devenus l'une des pierres angulaires des politiques en matière de technologie et d'innovation. Les pouvoirs publics, les universités et les établissements de recherche coopèrent avec

**Public Private Partnerships in Transport** Athena Roumboutsos, 2015-07-28. Over the last thirty years Public Private Partnerships (PPPs) have been used to deliver transport

capital projects and services PPPs are complex arrangements that require a multi disciplinary approach in order to assure their success though research on the subject has been fragmented This book fills the gap in existing literature by providing insight into these complex arrangements at their various stages of development Public Private Partnerships in Transport trends and theory is structured to follow the life cycle of a PPP project and strikes a balance between theory and practice Divided into four parts each section highlights major concerns and offers an array of views and policy recommendations Parts include context for national implementation decision models performance measures and efficiency standards This book includes an expanded discussion on the findings presented discussed and analysed at the closing event of the COST Action TU1001 network on the topic of PPPs in transport The result will be of significant interest to the academic community policy makers and practitioners

**Étude sur le secteur privé de la santé au Mali** The World Bank, Mathieu Lamiaux, François Rouzaud, Wendy Woods, 2011-08-16 Under its Health in Africa Initiative IFC intended to conduct a country assessment of the private health sector in Mali working in close collaboration with the World Bank and the Government of Mali The Core objective of the Mali Country Assessment Report was to work closely with the Government of Mali and Development partners to develop recommendations for a reform program to strengthen the existing policy framework for the public private interface in the health sector and to improve the delivery of health related goods and services for all Malians As part of this the purpose of the book was to Determine the role the private sector currently plays in Mali s health care system Present a diagnose of the nature and effectiveness of the existing interface between the public and private sectors in Mali health system constraints as well as the business enabling and investment environment Assist the World Bank Group to engage in policy dialogue with stakeholders in Mali s health care system and particularly with public officials and policy makers and help develop detailed recommendations for the Government of Mali with policy makers and key stakeholders

**Tables rondes FIT Une meilleure réglementation des partenariats public-privé d'infrastructures de transport** International Transport Forum, 2013-09-26 Ce rapport examine la nature des risques et de l'incertitude liés aux différents types de projets PPP ainsi que les conséquences pratiques du transfert des risques aux partenaires privés

**Étude sur le secteur privé de la santé en République du Congo** The World Bank, 2012-02-21 The government of the Republic of Congo is taking a system approach to reorganizing its health system It is endeavoring to create a political juridical and regulatory environment to foster the development of its health care services under government leadership working with the private sector

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