

Thomas Krumm



# THE POLITICS OF PUBLIC-PRIVATE PARTNERSHIPS IN WESTERN EUROPE

## COMPARATIVE PERSPECTIVES



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Comparative Perspectives

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## Preface

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Despite the growing research output on public–private partnerships (PPPs), there is less systematic comparison of the PPP policies and politics of European governments. Edited volumes provide a collection of in depth case studies rather than a systematic comparison and scholarly articles mostly focus on details within one or two countries or cases. Against this background, the motivation for this book is to mitigate the gap in comparative research on PPP and to integrate the results of different branches of research on PPPs in Western Europe. Quite often, research on PPP is divided into different branches such as legal and institutional aspects, management, economic and financial dimensions and, last but not least, public policy analysis and politics research. Thus, there is a broad range of disciplines, such as economics, area studies and public policy, which often ignore the genuine political dimension of PPP as well as a comparative perspective.

Quite often, the strongest political support for PPP has been provided by individual politicians such as Gordon Brown in the United Kingdom (UK), Gerhard Schröder in Germany, Nicolas Sarkozy in France or Silvio Berlusconi in Italy. However, for a ‘sustainable’ institutionalization of PPP in a country it takes much more than the commitment of some leading politicians. Some of these factors of influence for the implementation of the PPP approach will be analysed in the course of this book. Due to the complexity of the matter, the focus of interest is on a selection of institutional, socioeconomic and political variables.

Focusing on the ‘politics of PPP’ in this book aims to raise awareness that PPP is not a ‘naturally grown product’ of politics but a result of political decision making based on public and private interests and facilitated or hampered by contextual conditions. Politics is about decision making, and political decisions often influence the ‘performance’ of public and private organizations and institutions. Political decision making has a distributive dimension, as politics influences ‘who gets what, when and how’ (Dye 1976). PPP supporters often argue that the sceptics simply ignore the benefits of public–private collaboration (such as efficiency gains), while PPP sceptics stress the negative impact on public sovereignty and social equality. Against such often normatively

biased debates, the book aims to focus empirically on political drivers and stoppers of PPP in the context of institutional and socioeconomic factors. It does not try to answer questions of efficiency of PPP or even normative ones of the (un)desirability of PPP.

Instead, the book aims to systematically investigate factors explaining the different levels of PPP activity in Western Europe between 1990 and 2009, thereby building on qualitative and quantitative methods. In this macro-comparative approach country studies play an important role and cover aspects of the socioeconomic background, partisanship and institutional context as well as patterns of PPP politics at national and regional level. The book aims to bring together socioeconomic, regional, administrative and policy aspects under the encompassing title of 'The Politics of PPP'.

In a comparative perspective, we look in the first chapters for factors explaining the different intensities of PPP use in a sample of 14 Western European countries. We look for differences and similarities in political patterns concerning the use of PPP and investigate how these differences can be explained. Among others, we empirically test factors such as partisanship, veto players, structure of interest groups, and public finances. In the remaining chapters, comparative case studies are conducted in order to qualitatively test the results from the earlier quantitative chapter. Here, the comparison is based on a pairwise case selection, trying to put together cases with similar features in their test conditions such as unitary or federal structures. However, two groups encompass three cases: in the north of Europe, policies and politics of the Scandinavian states are often closely interconnected, and in the south, countries like Spain, Portugal and Greece often face similar challenges due to their location at the southern European 'periphery'. Surprisingly, the countries of the northern group are the least committed in terms of PPP policy support, while the southerners are among the most committed. The central European states are somewhere in between, with the UK forming an outlier in terms of PPP policy support. The book aims to contribute to the question: what are the factors that lead to this variation?

Finally, I would like to express my deep gratitude to the Fritz Thyssen Foundation (Cologne, Germany) and the Leverhulme Trust (London, UK). The Leverhulme Trust enabled me to spend a year at the University of Kent at Canterbury to study the PPP/PFI phenomenon in the UK, its European 'epicentre'. The Fritz Thyssen Foundation enabled further research at the Chemnitz University of Technology, Chair of European Government Systems in Comparison. Without their support (and that of many others), this book would have not been realized.

# Abbreviations

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AGION	Agentschap voor Infrastructuur in het Onderwijs (Belgium)
ANAS	Azienda Autonoma Nazionale delle Strade (Italy)
ASFINAG	Autobahnen- und Schnellstraßen-Finanzierungs-Aktiengesellschaft (the Autobahn and highway financing stock corporation) (Austria)
BAM	Beheersmaatschappij Antwerp Mobiel (Belgium)
BEA	Bail Emphytéotique Administratifs
BEH	Bail Emphytéotique Hospitalier (French hospital PPP)
BOO	Build, Own, Operate
BOT	Build, Own, Transfer
BZÖ	Bündnis Zukunft Österreich (Alliance Future Austria)
CDU	Christian Democratic Union (Germany)
CECOPP	Centro Español de Excelencia y Conocimiento de la Colaboración Público Privada (Spain)
CEF-O-PPP	Centre d'expertise français pour l'observation des partenariats public-privé (France)
CIF	Cellule d'Informations Financières (Belgium)
CIPE	Comitato interministeriale per la programmazione economica (Inter-Ministerial Committee for Economic Planning) (Italy)
CRESME	Centro Ricerche Economiche Sociali di Mercato per l'Edilizia e il Territorio (Italy)
CSF	Community Support Framework (Greece)
CSU	Christian Social Union (Germany)
DBFM	Design, Build, Finance, Maintain
DBFO	Design, Build, Finance, Operate
DBOT	Design, Build, Operate, Transfer
DKK	Danish Krona
ECB	European Central Bank
EIB	European Investment Bank
EP	Estradas de Portugal (Portugal)

EPEC	European PPP Expertise Centre at the EIB
EPPPR	European PPP Report of the European PPP Expertise Centre
EU	European Union
FAZ	Frankfurter Allgemeine Zeitung
FG	Fine Gael (Ireland)
FF	Fianna Fáil (Ireland)
FI	Forza Italia (Italy)
FPÖ	Freiheitliche Partei Österreichs (Freedom Party of Austria) (Austria)
GDP	Gross domestic product
GVA	Gross value added
ICT	Information and communication technologies
IGD	Institut de la gestion déléguée (France)
IMF	International Monetary Fund
IUK	Infrastructure UK (succeeded PUK)
LTIF	Long-term investment funds
MAPPP	Mission d'appui à la réalisation des partenariats public-privé (French PPP unit)
MURCEF	Portant mesures urgentes de réformes à caractère économique et financier (French law)
ND	Nea Dimokratia (Greece)
NDFA	National Development Finance Agency (Ireland)
NHS	National Health Service (UK)
NPD	Non-Profit Distributing (Scotland)
NPFO	National Project Financing Observatory (Italy)
NPM	New Public Management
NZZ	Neue Zürcher Zeitung
OECD	Organisation for Economic Co-operation and Development
OTF	Operational Task Force (UK)
ÖVP	Österreichische Volkspartei (Austrian People's Party)
PASOK	Panhellenic Socialist Movement (Greece)
PFI	Private Finance Initiative (UK)
PF2	Private Finance 2 (Revised PFI) (UK)
PP	Partido Popular (People's Party) (Spain)
PPP	Public-private partnership
PR	Proportional representation
PRG	Project Review Group (UK)
PSOE	Partido Socialista Obrero Español (Spanish Socialist Party) (Spain)
PUK	Partnerships UK (UK)

QCA	Qualitative Comparative Analysis
SCUT	Sem Custos para o Utilizador (without direct user costs) (Portugal)
SD	Standard Deviation
SEK	Swedish Krona
SEOPAN	Asociación de Empresas Constructoras de Ámbito Nacional (Spain)
SFT	Scottish Future Trust
SIOP	Sistema Informativo sulle Opportunità di PPP (Italy)
SNP	Scottish National Party (UK)
SOE	State-owned enterprise
SPD	Social Democratic Party (Germany)
SPÖ	Sozialdemokratische Partei Österreichs (Social Democratic Party of Austria) (Austria)
SPV	Special Purpose Vehicle
UK	United Kingdom
UMP	Union pour un Mouvement Populaire (Union for a Popular Movement) (France)
US	United States of America
UTFP	Unità Tecnica Finanza di Progetto (Italian PPP Task Force)
VAT	Value added tax
VfM	Value for Money
VIFG	Verkehrsinfrastrukturfinanzierungsgesellschaft mbH (Transport Infrastructure Financing Corporation) (Germany)



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# 1. Introduction

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If the saying ‘there’s life in the old dog yet’ is true, then the Public–Private Partnership (PPP) approach to public procurement and service delivery still has its time. PPPs have received much scholarly attention from a broad spectrum of disciplines; and they have faced considerable scepticism in a lot of countries. In others, under certain governments, they have been pushed forwards and even sometimes regarded as ‘the only game in town’. In terms of party politics, it is difficult to characterize them as more favoured by centre-right or centre-left governments. In the United Kingdom (UK), they were championed by the incoming New Labour government, commencing in 1997; Germany under the ‘red–green’ coalitions joined them soon thereafter. However, Italy under Berlusconi, France under Sarkozy, Spain under Aznar, Greece under Karamanlis and Austria under Schüssel are examples of centre-right governments strongly committed to the PPP approach, too. Even the UK under the conservative Major administration and later under the Cameron–Clegg coalition was supportive of PPP, or the Private Finance Initiative (PFI) as it was labelled in the early 1990s by the British government. Thus, one of the aims of this book is to analyse the partisan dimensions of support or obstruction of PPP across a sample of 14 states over the period 1990 to 2009. However, political parties are not the only actors who ‘make politics’. As an economic policy tool favouring the involvement of private, commercially operating corporations instead of pure fulfilment by public administration, private sector corporations and lobbying groups can be expected to have an interest in supporting the PPP approach.

However, it would be too simple to focus only on their motivation of expanding their markets and accordingly raising their profits. Such motivations can be assumed to exist more or less in each market economy. But with regard to PPP, only in some countries during certain periods of time they appear to have been successful. This raises the question of further conditions that must be met in order to achieve a change of government policy. The early UK experiences under the Major government (abolishment of the Ryrie rules, see section 5.1.2) might be instructive for such a process. Other politico-economic factors are the

level of public debt as well as deficit and the privatization activity exercised in a country (see section 3.5). More generally speaking, 'The Politics of PPP' aims to more deeply explore some of the factors that are supportive of a policy change in favour of PPP. Written by a political scientist, this book does not try to evaluate technical, financial or managerial aspects of single projects or even ask if they are really 'value for money' (VfM). Instead, it simply asks why did some countries' governments participate in this policy change (some sooner, some later), and others not? Therefore, it quantitatively and qualitatively tests a set of variables which in the literature are regarded to be responsible for such policy changes.

Initially, we have to introduce the basics of the PPP approach. In a general sense, PPPs can be described as 'forms of cooperation between public authorities and the world of business which aim to ensure the funding, construction, renovation, management or maintenance of an infrastructure or the provision of a service' (European Commission 2004: 3). The term PPP is also applied to forms of cooperation between public and private non-profit, civil society actors. However, in these cases the logic of action as well as organization deviates heavily from that of for-profit PPPs. This book is primarily focused on contract-based PPPs between public and commercial private actors.

PPP arrangements are characterized by a relatively long, fixed duration of contract time or permanent (organizational) models of the relationship between the public and the private partner (life-cycle approach), often complex funding arrangements with the private sector bearing the initial costs and long-time responsibility for operation and maintenance, whereas the public sector is in charge of the long-time refinancing of the private partner either by (regularly) fixed direct transfers or by (shadow) tolls or user fees. Most importantly, the public partner is in charge of selecting and determining objectives to be regarded as in the public interest, the quality of the respective services to be provided by private partners, and the pricing policy; and finally, the public partner takes responsibility for monitoring compliance with the objectives previously set (*ibid.*).

Furthermore, the distribution of risks between the partners has to be addressed sufficiently. This means, for instance, that for each phase of a PPP the kind of risk transferred (or shared) between the public and private partners has to be addressed during the negotiations and in the contract (Grimsey/Lewis 2005c). Regarding the operational phase, for instance, southern European concession models often preferred to transfer the demand risk to the private sector, while British PFI contracts

tended to transfer the availability risk. Thus, besides the financial aspects, risk transfer is often a crucial point during contract negotiation.

Given the complex structures of PPP policies and projects, it cannot be the aim of this book to evaluate possible merits or shortcomings of the PPP approach in general or of individual projects (such as, for instance, the Transport for London contracts in the early 2000s). Rather, the book aims to comparatively analyse what governments do (in the field of PPP), why they do it and what differences it makes, in a similar way to how Thomas R. Dye (1976) concisely described the purpose of policy analysis. However, this perspective of policy analysis has to be complemented by elements of an institutional analysis. Both institutional and policy aspects can best be integrated into a comparative approach. The comparative perspective should help to broaden the still predominant focus of (idiosyncratic) within-country analysis to a between-country comparison. To avoid the shortcomings of classical methods of policy analysis, which were often designed for within-case analysis, wherever possible we try to introduce a comparative perspective.

Policy analysis often focuses on types of policies in terms of their (re)distributive effects, as addressed by Theodore Lowi (1964, 1972) in his classical contribution. Whereas distributive policies are not a zero-sum game, redistributive policies are. Clearly, redistributive policies raise more concerns and obstruction among the addressees of such policies. However, it has to be discussed in more detail whether PPP covers more aspects of a distributive or a redistributive policy. Shifting tasks and services partly from the public to the private sector suggests a redistributive aspect. From the perspective of its critics, the redistributive dimension is stressed (such as the transfer of jobs from the public to the private sector), whereas its supporters primarily point at the distributive aspects of, for instance, added value, efficiency gains and (at least in short term) positive effects on the public budget.

From a comparative perspective, such questions appear less relevant. Comparative politics has its own set of quantitative and qualitative instruments, often combined in a mixed methods approach. As the units of (comparative) analysis are countries, or states, the focus of interest shifts from individual projects to the overall politics and policies of PPP within a state in order to find out patterns and correlations between states in the use of such policies. If a government initiates PPP projects or laws, sets up PPP units or task forces, or outlines respective policy programmes, this indicates the commitment of the cabinet to PPP. Thus, in this book it can often only be reported what kind of project, at what time and with what volume a certain government has commissioned PPP. For a single country study this would be insufficient; for a macro-comparative approach this

appears to be appropriate as this book is not the place to deliberate on all the internal complexity of the 14 countries and their projects.

In this context, tools of policy analysis will have their place alongside comparative instruments such as pairwise case comparison, veto player (or institutional) analysis and applying basic assumptions of the governance approach. Chapter 2 will help to set the research focus on the politics of PPP in Western Europe while Chapter 3 addresses methodological issues and conducts a quantitative comparison based on country data published by a European Investment Bank (EIB) report. The global financial crisis, commencing with the collapse of Lehman Brothers in September 2008, and its impact on the real economy also heavily affected the use of PPP across European public authorities. The European PPP Expertise Centre (EPEC) (2011b) estimates an average annual decline of 30 per cent in the immediate aftermath of the crisis. While the impact of the global financial crisis on PPP will also be discussed in the case studies, a special section in Chapter 2 provides a general introduction to the issue.

In the following chapters, the focus is on Western Europe's central and regional governments' PPP policies (chapters 4–9). In these chapters some general characteristics of the political system which influence policy making will initially be introduced – in some cases along with facts relating to the socioeconomic background. Then, patterns of adopting the PPP approach are reconstructed, before these patterns are compared between two (or three) countries with regional or institutional proximity. The aim is to identify patterns of adoption, first at the national level and then in pairwise case comparisons. Observing patterns of policy making has to take into consideration the political aspects of decision making. Comparing policies raises the question of political determinants of observed differences. Whereas PPP itself can be regarded as a policy tool, its different forms and extents of use are also a question of politics. Furthermore, relatively invariant aspects of polity such as legal traditions and frameworks also play a role in utilizing PPPs (see section 3.3).

Each of the chapters 4 to 9 include at least two countries as cases; two chapters include three cases for comparison. For the Nordic countries the comparison of Denmark, Finland and Sweden is very obvious. For the cases of the southern periphery, Greece appeared to be more adequately compared with the Iberian countries than with Italy, which, despite some economic troubles, exhibits more characteristics of the large central European countries than those of the southern periphery. Consequently, Italy is compared with France. Furthermore, comparing Ireland with the UK, Belgium with the Netherlands and Germany with Austria is again rather obvious. The grouping is done on a qualitative decision based on

similarities between the selected cases. Thus, the logic of comparison equals the ‘most similar case design’ (see e.g. Berg-Schlosser/Cronqvist 2012). Selecting cases with similar characteristics in a group opens up the opportunity to look for the non-similar characteristics that help explain different outcomes in these cases.

Methodologically, the chapters combine a within- and a between-case analysis. For the within-case analysis, the following questions will be addressed:

- Institutional factors: what roles do federal or unitary structures, second chambers and veto players have? While most institutional factors are invariant, some can be changed by politics. This process is also known as institutionalization. The institutionalization of PPP results from politics and is a precondition for (further) PPP activities. Among institutional factors, the different legal traditions across Europe seem to play an important role. More flexible legal cultures such as the Anglo-Saxon common law seem to provide supportive conditions for PPP.
- Socioeconomic context: what roles do pluralism and corporatism, or more broadly the structure of organized interests, and lobbying have? Does the level of the gross domestic product (GDP) as an indicator of relative wealth has any influence on the level of PPP activity in a country?
- Political factors: what roles do parties, governments and bureaucracy have in the development and implementation of PPP? As the UK example illustrates, the emergence of a significant volume of PPP/PFI contracting is not a coincidence but the result of political decisions and massive support.
- Policy diffusion and path dependency: what role does the PPP policy in neighbouring or role model countries have for the (non-)adoption of PPP in a state and what role does previous experience with privatization, public–private collaboration and public sector reform have?

The final section of each chapter compares the two (or three) cases introduced before. In this section we focus on similarities and dissimilarities with regard to the outcome (level of PPP commitment and activity by public authorities), and to political structures and influential actors. The final chapter draws conclusions in terms of policy diffusion and comparative policy analysis and additionally addresses the idea of ‘privatized Keynesianism’ (Crouch 2011) as a more theoretically focused explanation for the success of PPP in at least the Anglo-Saxon countries.

## 2. PPP as a political issue

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### 2.1 THE POLITICS OF PPP

Obviously, public–private collaboration is a multi-disciplinary topic. Scholarly interest in PPP is often focused on the economic and financial aspects of public–private collaboration (e.g. Grimsey/Lewis 2005a, Yescombe 2007), on legal and technical aspects, and also on the politics of PPP in certain countries such as the UK (e.g. Flinders 2005). Furthermore, also in the field of social and political sciences it is regarded as a contested issue; a considerable share of scientists have adopted a sceptical stance towards this policy (Hellowell 2012: 330), often in line with the rejection of the policy by the public sector unions. This rejection is often based on the classification of PPP as a ‘neoliberal’ policy with an empty, non-substantial rhetoric (Wettenhall 2003, Linder 1999). Other authors such as Colin Crouch (2011) stress the innovation of PPP as a blend of neoliberal policies with Keynesian elements such as the stimulation of (additional) demand without letting the public budget run immediately much deeper into debt. This policy of ‘privatized Keynesianism’ as it was labelled by Crouch evolved in the 1990s as a reaction to the flaws of classical Keynesianism (or what politicians made of it). In contrast, neoliberalism was elaborated by economists like Milton Friedman and transferred to Anglo-Saxon political systems by President Reagan in the United States (US) and Margaret Thatcher in the UK. In continental Europe, it also found supporters among politicians, although with less vigour than in the Anglo-Saxon world. There, it thoroughly transformed the logic and way of operation of public sector entities as well as state–market relations (Osborne/Gaebler 1992).

Against this background, the rise of the PPP approach in the 1990s is explained as the impact of the overall marketization of executive and administrative spheres of statehood in areas such as the procurement of health or prison services, where full or direct privatization would not (yet) be acceptable for a critical public sphere, especially in continental Europe. Thus, PPP is interpreted as a policy tool which transformed the ‘neoliberal’ agenda of the 1980s to a modernistic policy approach digestible even for moderate left-wingers such as those gathered under



the label of 'New Labour' in the UK and 'Agenda 2010' in Germany under Chancellor Schröder in the early 2000s. According to its critics, what these broad marketing umbrellas have in common is that they attempt to legitimize the retreat of the state and foster a further release of market forces. Consequently, for those critics PPP appears to be decidedly a neoliberal policy (Crouch 2011, Ziekow 2011: 43).

Among others, the divide into sceptics (or critics) and proponents (or enthusiasts) of PPP may also result from different perceptions of what public policy decision makers (in a more general sense, states) are doing or ought to be doing. More generally speaking, they result from different perceptions of what 'public interest' is and how it should be realized. As already mentioned above, whereas PPP is seen by some as a non-political policy tool, its use is questioned by others as a matter of politics, more precisely as a piece in the overall attempt of 'rolling back' or 'hollowing out' the state. However, such theoretically derived concepts sometimes lack an empirical basis. In order to avoid simplifications, much more empirical work on the (political) factors driving PPP would have to be done. Owing to limited time and space, however, we have to focus on the 'usual suspects', some socioeconomic and institutional factors assumed to be facilitating or hampering policy changes.

Among the 'usual suspects' is the already mentioned problem of huge and even rising budget deficits in many states at central, regional and also local level. Thus, it is assumed that PPP appears for some policy makers interested in pre-financing and off-budget financing of projects as a welcome tool for bypassing financial calamities in the public sector. However, as we will see in the empirical testing, the level of average deficit seems to have only a moderate influence on governments' propensity to (not) use PPP. Despite a more pragmatic approach of governments to PPP over time, especially after the global financial crisis, the impact of politics on public authorities' willingness to use PPP as a means of procurement and service delivery is still regarded as high (Lenk/Röber 2011: 4).

The politics of PPP is not only about the driving factors behind the use of this policy: it is also, and in a more general sense, a question of political objectives to be achieved by means of PPP. In that sense public authorities are often limited by a sometimes quarrelsome political process in order to produce clear-cut and legitimate definitions of objectives which have to be realized or problems which have to be solved by means of public-private collaborations (ibid.: 2). Given the problem of incomplete contracts, with possible effects on costs, benefits and risks, a lively and critical democratic process is always on the edge of interfering with the policy or even the operational level of PPP. Especially after a change