

Abstract

In this PhD thesis were analyzed characteristic features of the institute financing project, considered a model for the construction of public works without financial burden for government, as part of a more general instruments of public-private partnership, taking into account of (not few) regulatory changes made by the legislature.

Reported the scope of the institute, which now takes on a radically different appearance from that outlined by the Law of 11 November 1998, n. 415, especially after the news made by Leg. N. 152/2008 laying down the "third order correction," until it became necessary to examine the phases in which the procedural unfolds, that generally is divided into two sub processes: the first selection of the project of public interest; the second public tender on the basis of the project declared of public utility, taking shape in this case a progressive formation. They were finally taken into account the principles set forth in the judicial phase of the Plenary Council of State from meeting with the judgment of 28 January 2012, n. 1, which noted that in the process of project financing, divided into several phases, the act of choice of the promoter results in an immediate position of advantage for the subject to a complete stop and procedural non-selection for the competitors. The burden of immediate appeal of the act of choice of the promoter guarantees, which quickly (pending the applicability of the special summary procedure for public contracts) will reach certainty about the legitimacy of the choice of procedure, with obvious benefits for successive joints of the same