

INTRODUCTION TO PUBLIC-PRIVATE PARTNERSHIPS IN BRAZIL

London, 5 October 2005

Durval de Noronha Goyos Jr. Noronha Advogados

São Paulo, Rio de Janeiro, Brasília, Curitiba, Porto Alegre London, Lisbon, Miami, Los Angeles, Buenos Aires, Shanghai



POINTS OF PRESENTATION

- 1.- BRAZIL'S CURRENT POLITICAL SITUATION
- 2.- PRESENT MACROECONOMIC FUNDAMENTALS OF BRAZIL
- **3.- POTENTIAL PROJECTS FOR PPPS**
- 4.- PPP IS READY TO BE LAUNCHED



Political considerations BRAZIL

GEOGRAPHIC CONSIDERATIONS





Political considerations EXECUTIVE POWER



Palácio do Planalto



Political considerations EXECUTIVE POWER (Federal Level)

PRESIDENCY

Mandate of four years
President Mr. Luiz Inácio Lula da Silva
Mandate - 2003-2006



MINISTRIES - 23



Political considerations EXECUTIVE POWER



Ministeries' Avenue



Political considerations LEGISLATIVE POWER



National Congress



Political considerations JUDICIARY POWER



Federal Supreme Court



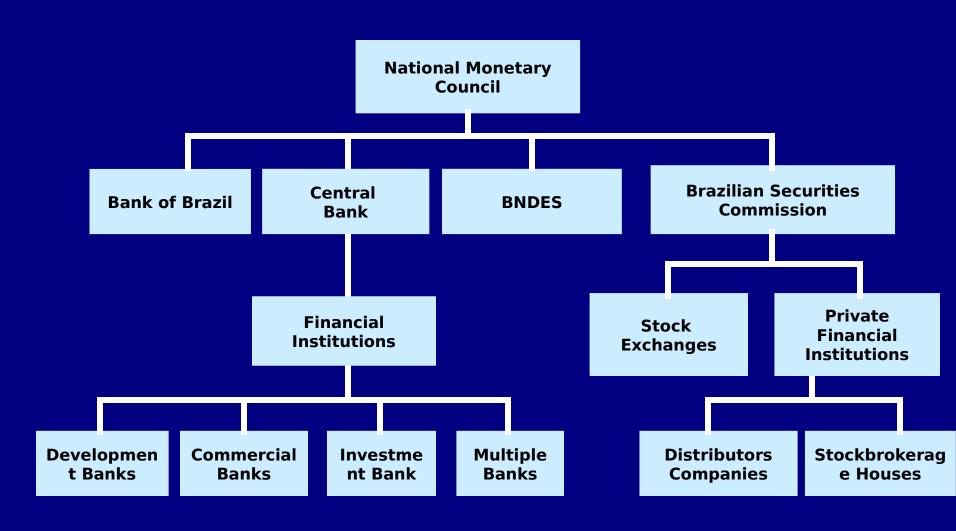
Political considerations THE FINANCIAL SECTOR



Central Bank



Political considerations THE BRAZILIAN FINANCIAL SYSTEM





Political considerations THE STOCK EXCHANGES AND THE CAPITAL MARKETS

→ Regulatory Agency "Comissão de Valores Mobiliários" - based in Rio de Janeiro.





Political considerations SÃO PAULO STOCK EXCHANGE BOYESPA

- the São Paulo Stock Exchange was founded in 1890;
- **⇒** largest stock exchange in South America;
- 96 brokerage members and 379 listed companies; and
- in 2004 the total amount negotiated was US\$ 81.4 billion, an increase of 48.6% as compared to 2003 (US\$ 55 billion).





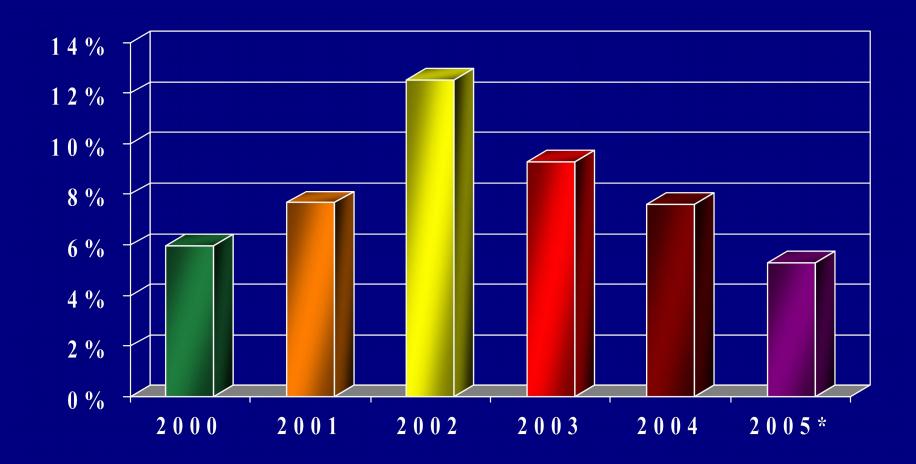
Macroeconomic Fundamentals The Brazilian Economy in the 21st Century

- consolidation of democracy
- stabilisation of the economy
- trade liberalisation
- resumption in foreign direct investment
- massive privatization program
- pre-emptive strengthening of financial sector

- end of distinction between foreign and domestic companies
- resumption of economic growth
- end of monopoly in telecommunications, oil and gas
- great development of services sector
- **leadership in agribusiness**
- massive trade surplus

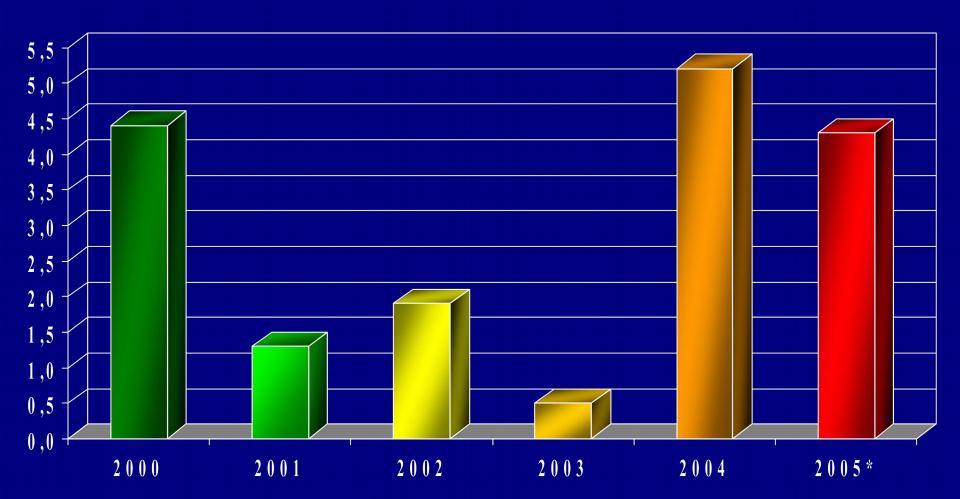


Macroeconomic Fundamentals Inflation



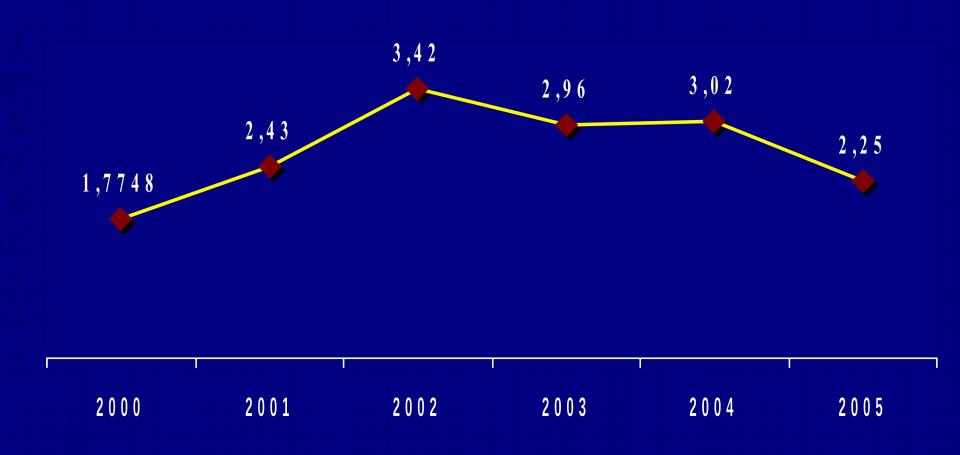


Macroeconomic Fundamentals Economic Growth





Macroeconomic Fundamentals Exchange Rate





Macroeconomic Fundamentals Oil Production

- Brazil achieves self sufficiency in oil
- ⇒ 2005 1.85 million barrels a day
- → 2010 3.4 million barrels a day*

Source: Petrobrás * forecast: Petrobrás





Macroeconomic Fundamentals Brazil's GDP in US\$

	1981	1991	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005*
GDP (US\$ billion)	261.5	418.0	534.0	550.0	552.0	531.1	594.2	503.9	456.5	506.8	599.0	624.7
Population (million)	121.2	149.1	161.3	163.7	166.2	169.7	171.2	173.8	176.3	178.9	181.5	184.5
GDP per capita (US\$)	2.151	2.803	3.310	3.359	3.321	3.129	3.470	2.899	2.589	2.832	3.300	3.385

Source: MDIC, Mercosul, IBGE and CIA web sites

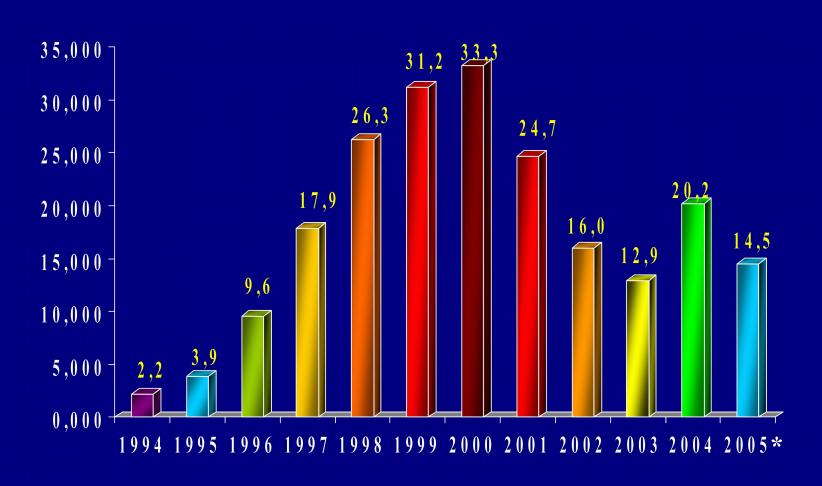


Macroeconomic Fundamentals Brazil's GDP in purchase power parity

- Total purchase power parity is US\$ 1,460,000 billion
- **→** Purchase power parity per capita is US\$ 8,100



Macroeconomic Fundamentals Brazil: Foreign Direct Investment





Macroeconomic Fundamentals

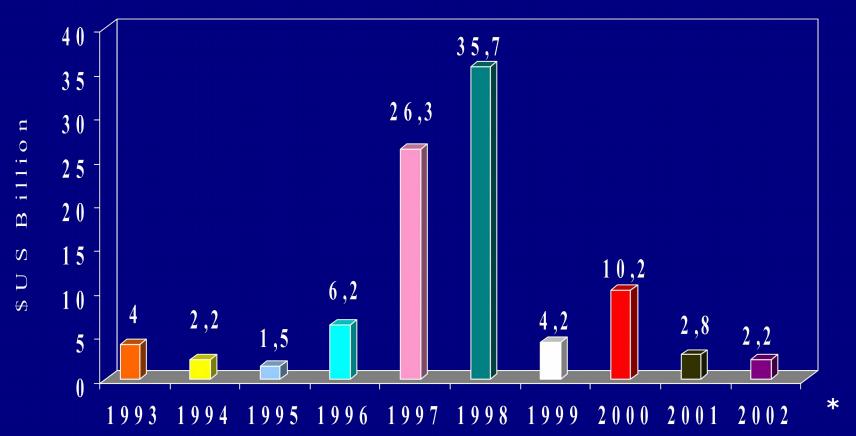
Brazil - Evolution of External 🔷 t



V a lu e	Value (in US\$ billions)
1997	199,9
1998	2 3 3 ,8
1999	2 4 0
2000	2 3 3
2001	209,5
2002	2 1 0 ,7
2003	2 1 4 ,9
2004	202
2005*	1 9 1



Macroeconomic Fundamentals Revenue from Privatisation



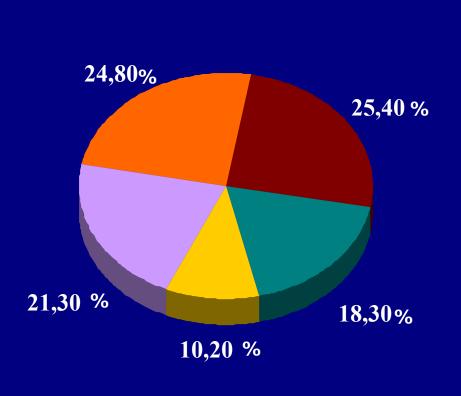
Source: BNDES

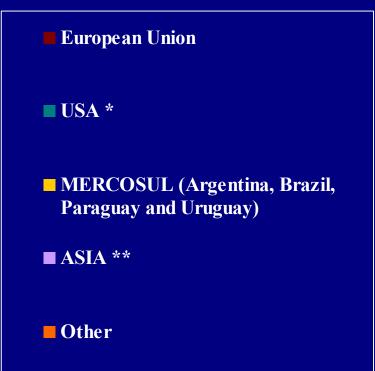
^{*} After 2002 there were no more privatisations, which were substituted by Public-Private Partnerships - PPPs.



Macroeconomic Fundamentals Sources of Brazil's Imports

In 2004





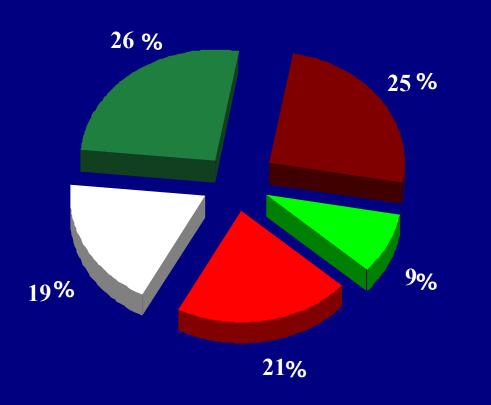
Source: SECEX

* USA including Puerto Rico ** ASIA excluding Middle East



Macroeconomic Fundamentals Brazil's Export Markets

In 2004





Source: SECEX

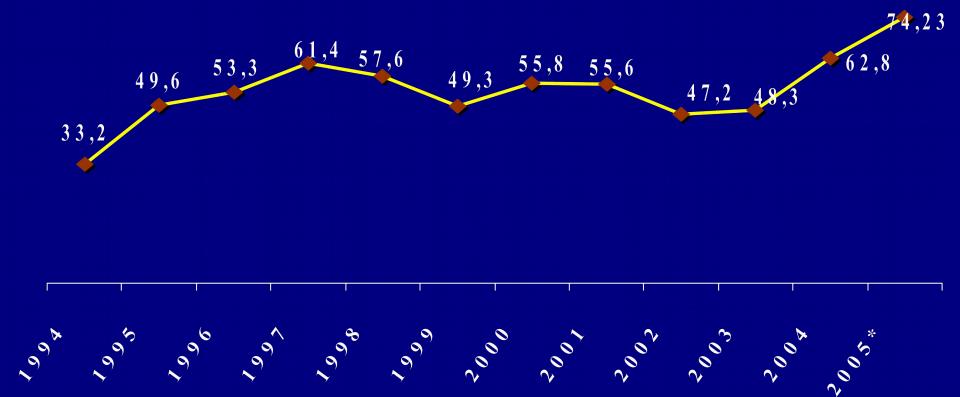
* USA including Puerto Rico

** ASIA excluding Middle East

*** Argentina, Brazil, Paraguay and Uruguay



Macroeconomic Fundamentals Brazilian Imports in billion of US dollars

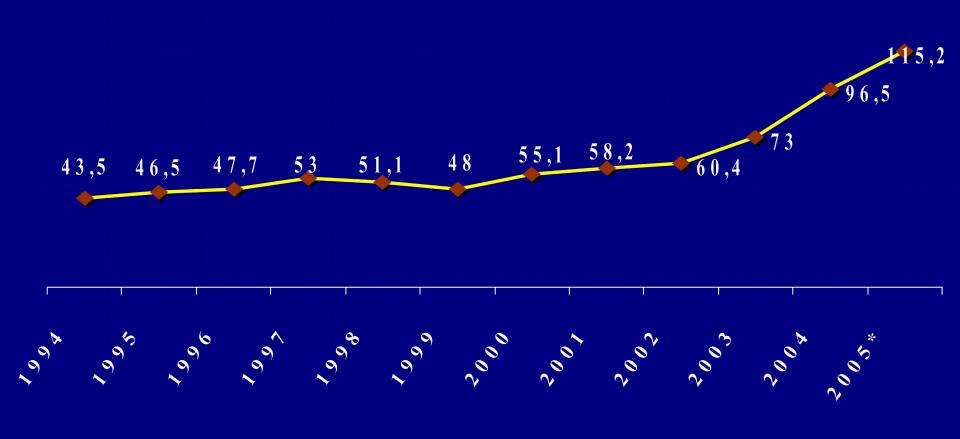


Source: SECEX

* estimate



Macroeconomic Fundamentals Brazilian Exports in billion of US dollars



Source: SECEX

* estimate



Macroeconomic Fundamentals Foreign Trade

⇒ Foreign Trade Estimate for the year of 2005

US\$ Million	Estimate
Imports	74,232
Exports	115,202
Balance	40,970



Potential Projects for PPPs

- it is a cooperation agreement between the public and the private sectors to develop public infrastructure by delivering a project or service traditionally provided by the public sector;
- the Brazilian PPP is a form of concession and thus is subject to the Law on Concessions, however, PPP contracts differ from pure concession contracts because they necessarily involve a financial payment from the public sector partner to the private partner and are subject to specific legislation;
- ⇒ such payments are secured by a Guaranty Fund to be established separated from the Government, with authorisation for the Government to contribute up to R\$ 6 billion as capitalisation of the guaranty fund;



Potential Projects for PPPs PPPs Overview

(continuation)

- → to each PPP project shall be allocated an individual part of the assets of the guaranty fund, with separate accounting, so as not to affect the collateral of any PPP project with any future difficulties of another; and
- the law on PPP determines that each PPP project shall be managed by a special purpose vehicle, which must comply with standards of corporate governance.



Potential Projects for PPPs PPPs Projects

5 specific projects suggested by Brazil's federal government

- railway North-South;
- parts of the highway BR 116 from Minas to Bahia in the state of Bahia;
- ⇒ parts of the highway BR 324 up to the Port of Aratu in the state of Bahia;
- the highway ring in the Rio de Janeiro;
- the railway ring around Campinas and the city of São Paulo; and
- part of the railway from Guarapoava to Ipiranga, in the state of Paraná



PPP Program Ready to be Launched

- **Law number 11.079**
- Passed on 30th December 2004
- → Fund R\$ 6 billion



PPP Program Ready to be Launched (continuation)

Regulated by:

- Decree no. 5.385 of 4 March 2005, which creates a PPP management committee
- Decree no. 5.411 of 6 April 2005, which determines provisions regarding the PPP fund
- Resolution no. 1 of 5 August 2005, which provides the creation of specific teams to implement PPPs
- Resolution number 2 of 19 September 2005, which brings further rules on the PPP fund