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Empresas Mixtas: Water Plant

Empresas Mixtas

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This section provides an overview of empresas mixtas, including their legal framework and examples from selected countries.

Empresas mixtas (mixed ownership enterprise) is a type of legal entity that receives financial funding from both a private company as well as a government –at a country, city or municipal level, hence the term a mix enterprise. This form of public-private partnership (PPP) is commonly used in civil law countries, particularly in the water sector.

This is a form of Joint Venture and the same issues raised in respect of Joint Ventures are relevant here.

For a general discussion of empresas mixtas see Mixed Private-Public Ownership Companies “Empresa Mixta". This review of the empresa mixta model was undertaken to better understand its structure, applicability and strength in mitigating risks in the water and sanitation sector. The last two decades have provided many lessons on empresas mixtas, particularly in Latin America.

Legal Framework by Country

Below is a list of laws that present the legal framework for “empresas mixtas” in several countries in Latin America. These laws undertake the sectors of water, energy, transportation, clean technology and telecommunications. This page also includes additional information such as studies and analysis of the general legal framework.

Argentina

- **Legal Framework:**
  In 2023, Decreto 70/2023 repealed Decreto 15.349/46 on mixed economy enterprises and Decreto 20705/1974 on State Companies, introducing a new framework for empresas mixtas.
- **Additional Information:**
  Paper Las Sociedades de Economía Mixta y las Empresas del Estado en la Legislación Argentina" provides a historical perspective.

Brazil

- **Legal Framework:**
  Brazilian Constitution: "Sociedades de Economia Mista" financial fiscalization articles 70, and 71, II, creation by law article 37, XIX, legal framework article 173, § 1º, creation of subsidiary enterprise article 37, XX, infrastructure and provision service concessions article 22, XXVII.
  Decreto-lei 200/67
  Lei 6.404/76

Colombia

- **Legal Framework:**
  Law 489/98, capitulo XIV - sociedades de economia mixtas

Law 550/99
Commerce Code article 461, titulo VII

Costa Rica

- **Legal Framework:**
  Costa Rica does not have specific legal Framework related to "Empresas Mixtas". However, they have laws that authorize this kind of regime for specific enterprises such as: Líneas Aéreas Costarricenses, Refinadora Costarricense de Petróleos y Radiográfica Nacional. Costa Rica does not have a "Empresas Mixtas" regime for water and sanitation sector.

El Salvador

- **Legal Framework:**
  Decree 2336/57 Ley sobre constitución de sociedades por acciones de economía mixta

Peru

- **Legal Framework:**
  Decree 1031/2008
  Law 26887/1997: This is the General Corporation Law that addresses the public limited company that is used as the legal framework to "Empresas Mixtas"
- **Water and Sanitation Enterprises**
  Superintendencia Nacional de Servicios de Saneamiento
- **Additional Information**
  Policymaker: National Direction of Sanitation - Ministry of Housing, Infrastructure and Sanitation

Spain

- **Legal Framework:**
  Joint Ventures and Industrial and Regional development Enterprises Taxation Regime Law 18/82
- **Water and Sanitation Enterprises information:**
  Spanish association of Water control and treatment enterprises

Uruguay

- **Legal Framework:**
  Constitution Article 188
  Law 16.211
  Law 14.623
  Law 15.903
- **Additional Information**
  Agua: La construcción social de un derecho humano

Related Content

- **Laws and Regulations**

- **PPP Legal Foundations - Further Reading**

- **Legislation and Laws - General and Sector Specific**

- **Regulatory Systems and Sector Overview**

- **Country Profiles**

Additional Resources

- Joint Ventures and Government Shareholding in Project Companies
- Joint Venture Checklist

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