

## ENERGY – NATURAL RESOURCES

The lawyers in the Energy and Natural Resources department have developed a wide-ranging knowledge that covers all energy sectors and which allows them to advise and assist clients (operators, private companies, banks, national or international organizations), with regard to both regulatory and contractual aspects of their projects concerning mines, oil, gas, electricity, nuclear and renewable energy (wind power, solar power, hydroelectricity, sea energy, geothermal and biomass), in France, in Europe and in Africa (Francophone and Anglophone).

### • OUR ADVANTAGES

***Our knowledge of the environment of our clients.*** When we accompany our clients, we pay particular attention to their activities in order to better apprehend their interests and operational constraints. We are therefore able to provide them with:

- Solutions that are operational, pragmatic and innovative
- Savings on time and considerable efficiency in the management of a file

***Our knowledge of the energy and natural resources sector.*** We have acquired, over the years, an in-depth knowledge of the national and international players in the area of energy and natural resources by understanding their needs and their decision making processes. Our long-term vision and our ability to evaluate risks contribute to the securing of their projects:

- The putting in place of stable and secured contractual structures
- Anticipation of legal problems and potential disputes
- Representation in the event of disputes before the courts, or before national or international arbitration tribunals

***Our knowledge of OHADA law.*** Knowledge of business law within the OHADA area and different Economic African Unions (UEMOA, CEDEAO, CEMAC, CIMA...), as well as our knowledge of the local environment, enables our team to offer clients that operate there, or who would like to install themselves there an assistance that is both efficient and constructive. We have recourse, as and when necessary, to networks of local, efficient lawyers with whom we are used to working.

### • AREAS OF INTERVENTION

#### *Investments*

- Choice and localization of the investment vehicle,
- Conclusion and performance of industrial contracts (engineering, turnkey contracts, service contracts...).

#### *Transactional operations*

- Acquisitions, joint-ventures, restructurations, mergers,
- Legal audits,
- Drawing up and negotiation of the legal documentation.

#### *Mining and Oil projects*

- Advice and assistance to mining and oil operators and to their sub-contractors (legal structure, determination of the applicable legal framework, determination of the validity of mining titles).

#### *Energy projects (electricity, gas and nuclear)*

- Advice and assistance to operators and to their sub-contractors (legal structure, contractual negotiation...).

#### *Renewable energy projects*

- Assistance to project owners at different stages of development of the project (property ownership, planning authorization, linking up, compulsory purchase of electricity),
- Assistance to French and international investors regarding the acquisition, the financing and the restructuring of project portfolios.

#### *Assistance with regard to legislative and regulatory matters*

- Assistance and advice to African States for the drawing up, the revision and the application of the texts of laws, regulations, standard conventions in the area of energy and natural resources.

#### *Litigation and arbitration*

- Litigation / Arbitration in the area of energy and natural resources in France and in Africa.

• REFERENCES

*Publications*

- Guillaume de Rubercy, *The legal framework for the dismantling of nuclear installations in France*, Industrial Environmental Bulletin, n° 30, November 2010.
- Christopher Dempsey, *Energy Law in Europe – French Chapter* – Oxford, University Press, September 2010.
- Guillaume de Rubercy, *Securitization of assets used for the financing of the dismantling of nuclear installations: New questions and proposals*, Environment and long-term development, Monthly Review *JurisClasseur*, n°3, March 2010.
- Christopher Dempsey, *Underground gas storage in Europe : A legal overview*, International Energy Law Review, February 2010.
- Guillaume de Rubercy, *The dismantling of nuclear installations in Europe – Legal and financial stakes*, work published by Harmattan in the collection, Businesses and Management, 2009, 402 p.

*Teaching*

- Lawyers in the department teach in French universities.

*Members of associations*

- Member of the French association of energy law (“AFDEN”),
- Member of the French Nuclear Energy Society (“SFEN”).

*Recent missions*

SECTORS	MISSIONS
Energy	Advice and assistance given to a private Luxembourg operator with a view to possibly setting up in the <b>French energy market</b> as an <b>electricity producer</b> , in the context of a partnership with another private operator for the construction and operation of combined gas cycle power stations: legal audit (s) ; putting in place of the legal framework ; drafting of technical reports relating to the consequences of law n°2010-1488 dated 7 December 2010, regarding the new organization of the electricity market (“ <i>Loi Nome</i> ”) for the producer(s) and / or alternative suppliers on the French electricity market.
	Advice and assistance given to a <b>private German operator</b> in the context of its activities for the <b>supply and sale of gas in France</b> : review and amendment of the general and special conditions of the contracts for the supply of gas in France in application of French regulations.
	Advice and assistance given to a <b>Japanese equipment manufacturer</b> in the context of the development of its activity in <b>France in the nuclear sector</b> : advice regarding the legal risks incurred by the company in application of national, community and international regulations.
Natural Resources	Advice and assistance to a <b>Canadian mining operator</b> in the context of the development of important mining projects in <b>Mauritania and in Ghana</b> : legal due diligence ; putting in place of the contractual framework ; legal opinions regarding the validity of mining titles held by the mining operator ; putting in place of securities.
	Advice and assistance of an <b>American mining operator</b> in the context of the development of an <b>important mining project in Congo (Brazzaville)</b> : legal due diligence ; putting in place of the contractual framework ; legal opinions regarding the validity of mining titles held by the mining operator.



	<p>Advice and assistance given to an Australian mining operator in the context of the development of an <b>important mining project in Burkina Faso</b>: negotiation for the putting in place of securities.</p>
	<p>Advice and assistance to an <b>Australian mining operator</b> for the putting in place of <b>finance for the purchase of equipment</b> for the <b>exploitation of a mining project in Mali</b>: putting in place of the contractual framework ; negotiation for the putting in place of securities.</p>
	<p>Advice and assistance to the <b>Republic of Niger</b> in the context of the « Institutional Support » of the <b>European Program for the Reinforcement and Diversification of the Mining Sector</b>: interpretation, advice and assistance on mining legislation in force in Niger.</p>
	<p>Advice and assistance in the context of an <b>acquisition of oil assets in the Congo (Brazzaville)</b> and in <b>Gabon</b>: legal due diligence.</p>
<b>Renewable energy</b>	<p>Advice and assistance to a <b>private Swiss company</b> with regard to the putting in place of <b>financing for the sale of solar panels in the context of several photovoltaic projects</b>: review of the contractual framework and of the distribution of risks; drafting of legal memoranda.</p>
	<p>Advice and assistance to an <b>American operator</b> concerning <b>French regulations</b> applicable to <b>solar installations</b>: review of the contractual structure and the distribution of risks ; drafting of legal memoranda.</p>
	<p>Advice and assistance to a <b>Spanish operator</b> concerning the <b>evolution of French regulations</b> concerning <b>tariffs applicable in the solar sector</b>: drafting of a technical report.</p>
	<p>Advice and assistance to a <b>Dutch banking entity</b> in the context of the <b>financing for the purchase of hydroelectric power plants</b> (less than 4,5 MW) / Financing of the acquisition and compliance works: review of the contractual framework and the distribution of risks ; legal due diligence ; drafting of the technical report(s) concerning the consequences of the regulations relating to the hydroelectricity sector in the context of the financing of the acquisition.</p>
	<p>Advice and assistance to an <b>Italian private operator</b> in the context of the <b>acquisition and financing</b> of a number of <b>wind farm projects in France</b>: legal due diligence and negotiation of the purchase contracts.</p>

## • CONTACT

Christopher Dempsey  
[c.dempsey@latournerie-wolfrom.com](mailto:c.dempsey@latournerie-wolfrom.com)  
+331 56 59 74 74

Guillaume de Rubercy  
[g.derubercy@latournerie-wolfrom.com](mailto:g.derubercy@latournerie-wolfrom.com)  
+331 56 59 74 74