Our International Nuclear Practice
Our credentials

September 2022
Contents

Overview of our Nuclear Practice 1
Our nuclear experience 4
Key Contacts 10

Eversheds Sutherland (International) LLP is a limited liability partnership, registered in England and Wales, under registration number OC304065, registered office One Wood Street, London EC2V 7WS and is authorised and regulated by the Solicitors Regulation Authority (SRA number 383181). A list of the members’ names, together with those who are non-members, but are designated as partners is available for inspection at the above office, together with details of their professional qualifications. Please note that when we refer to a “partner” or “partners” of Eversheds Sutherland (International) LLP, the term “partner” indicates a member of Eversheds Sutherland (International) LLP. It should not be construed as indicating that the members of Eversheds Sutherland (International) LLP are carrying on business in partnership for the purposes of the Partnership Act 1890.

Eversheds Sutherland (International) LLP is part of a global legal practice, operating through various separate and distinct legal entities, under Eversheds Sutherland. For a full description of the structure and a list of offices, please visit www.eversheds-sutherland.com.
Overview of our Nuclear Practice

Legal advice on nuclear energy law and regulation

Eversheds Sutherland can help you find new possibilities and identify strategic business opportunities in this sector. We have an in-depth understanding of the nuclear industry, the agenda of the major players, and the regulatory and competition framework.

In recent years, our lawyers have been responsible for the most significant acquisitions of global nuclear businesses, bringing to bear Eversheds Sutherland’s skill in mergers and acquisitions, antitrust, intellectual property, employee benefits, government contracts and tax, to structure and close complex multinational transactions.

Our lawyers have also been engaged on nuclear new build projects including advising the joint venture developer and state-owned sponsor in connection with all aspects of the Barakah nuclear energy project in the United Arab Emirates and the project SPV on the prospective Moorside new build nuclear project the United Kingdom.

We have extensive experience in all aspects of the nuclear fuel cycle, from mining and enrichment to fuel fabrication and disposal. Eversheds Sutherland represents licensed nuclear site operators, technology and design companies, producers and suppliers of nuclear commodities, nuclear reactor vendors, owners, engineering, procurement and construction (EPC) contractors, specialized nuclear services providers, nuclear insurers and reinsurers, as well as others involved in constructing nuclear power plants. We can also help you in managing the planning, technical and public relations issues that are likely to arise in relation to the development of new nuclear power stations and decommissioning of any existing fleet.

Our lawyers are involved in nuclear projects internationally, having recently engaged in the development of nuclear energy in Jordan and Egypt. In the U.S., Eversheds Sutherland’s lawyers help craft nuclear energy policy before the U.S. Department of Energy and in Congress, drawing on the firm’s broad knowledge in all matters of national and international energy policy. One of our lead partners is a board member of the International Nuclear Law Association as well as a member of the Nuclear Energy Institute’s Lawyer’s Committee.
Our International Nuclear Practice

Our credentials

Areas of focus

We advise on all aspects of nuclear projects, including:

- new-build project development
- M&A and joint ventures
- financing including debt and equity
- regulatory, consenting and licencing
- planning, real estate and construction
- health and safety issues, decommissioning funding
- fuel supply and processing
- commercial and operational agreements

Who do we act for?

Eversheds are very well acquainted with the agenda of relevant governments and many of the key players in the global nuclear industry. We act for a broad range of nuclear sector clients, including utility companies (such as EDF, Sellafield and Emirates Nuclear Energy Corporation (ENEC)), technology providers (such as Westinghouse and Rolls Royce), investors (such as China National Nuclear Corporation (CNNC)), nuclear materials handlers (such as URENCO) and other nuclear sector clients (such as BAE), having worked closely with CNNC, Rosatom, Toshiba Group and its Westinghouse division, BNFL, Sellafield Limited, Fluor International and Babcock Nuclear Limited.
Our International Nuclear Practice
Our credentials

Industry recognition

“Law Firm of the Year”
The Lawyer 2022

“Banking and Finance Team of the Year”
2016 Middle East Legal Awards

Shortlisted for
“Energy Law Firm of the Year” 2017
Finance Monthly Law Awards

“Energy & Resources Deal of the Year”
ALB China Law Awards 2016

“Energy Team of the Year 2016”
China Business Law Awards

“Noteworthy corporate group offering counsel on inbound and outbound investments from its offices in Hong Kong, Beijing and Shanghai. Advises on investments by major Chinese clients into headline UK infrastructure projects.”
Chambers Asia Pacific 2016

“International Law Firm of the year for Energy Projects and Infrastructure”
2016 China Business Awards
Our International Nuclear Practice
Our credentials

Our nuclear experience

Project development and financing

Recent key transactions & advice include:

— **The UK’s lead SMR developer** on the early stage development of its Small Modular Reactor (SMR) design and build programme.

— **a consortium of Chinese banks**, led by China Development Bank Corporation (CDB), on the key financial aspects of the £18 billion Hinkley Point C nuclear new-build project. Hinkley Point C is one of the most complex project financings currently underway anywhere in the world. It has been an extremely challenging and interesting piece of work, involving the development of innovative structures. Hinkley Point C is a 'once in a generation' project and it has been instrumental in putting Eversheds Sutherland at the forefront of large-scale energy projects in the UK, Europe and around the world. Considered to be the largest and most complex project currently underway in the UK, our role has involved identifying and implementing structures and solutions designed to facilitate our clients' involvement in the deal and, ultimately, the successful closing of the financing. We are currently advising on a number of credit facilities of approx. GBP 8 billion to be provided by a club of Chinese banks and financial institutions.

— **Emirates Nuclear Energy Corporation (ENEC)** on all aspects the USD 30 billion development and financing of a 5,600 MW nuclear power plant in United Arab Emirates. Recent key workstreams include advising on: (i) the circa US$4 billion senior project debt amend and extend and the circa US$1 billion amend of certain sponsor equity bridge loans; (ii) the negotiation and documentation of ISDA agreements and schedules to implement interest rate hedging programs for the project senior debt; (iii) amendments to the original fuel supply arrangements to implement first fuel load; (iv) restructuring of key project documentation including the power purchase agreement, the switchyard transfer agreement and the operation and maintenance agreement to reflect various technical and regulatory updates to the project; (v) the transfer of the entirety of ENEC's share capital from the Government of Abu Dhabi to Abu Dhabi Development Holding Company (ADQ) and (vi) the reorganisation of ENEC's group governance structure.

— **NuGeneration Limited (Nugen)** in connection with the development and financing of a new-build nuclear power project in the United Kingdom.

— **Fermi Energia** in connection with the development and structuring of the small modular reactor programme in Estonia

General Corporate

Recent key transactions included advising:

— **a Chinese state-owned nuclear company's EPC subsidiary** on initial due diligence of nuclear market access in Saudi Arabia.

— **K.A.CARE** in connection with joint development and joint venture arrangements for SMR technology development for both in-country deployment and export potential.*
Our International Nuclear Practice
Our credentials

- a Nuclear fuel supplier on a PFC opportunity.
- a nuclear fuel processing business on construction development issues relating to the upgrade of critical processing facilities.
- a Chinese SOE in relation to its US$3 billion equity investment in, and restructuring of Areva, one of the largest listed nuclear businesses in the world. This transaction is one of the most intricate transactions currently underway in the civilian nuclear sector and represents a long-term partnering arrangement between three of the largest players in the global nuclear industry.
- CNNC on its proposed acquisition of a 66% equity stake in an electric utility company based in Slovakia from ENEL for approx. US$2 billion.
- Toshiba/Westinghouse and SNPTC on their bid to acquire Horizon Nuclear Power Limited (including both acquisition and consortium structuring aspects).
- Shaw Group in its investment in the acquisition vehicle used by Toshiba in its acquisition of Westinghouse (US$5.4bn).
- British Nuclear Group on the one month local public planning inquiry into its proposals to de-commission the Trawsfyndd Nuclear Power Station in the Snowdonia National Park in North Wales and two sets of proceedings concerning the operation of the Thermal Oxide Reprocessing Plant (THORP) at Sellafield, Cumbria, against E.ON and certain subsidiaries.
- Westinghouse US (previously BNFL) on participation in a South African joint venture relating to pebble bed modular reactor technology.
- International Nuclear Services (previously a Sellafield/Nuclear Decommissioning Authority joint venture) on various international commercial and nuclear-related operational matters.
- MFB on the financing arrangements for the upgrade of the Paks nuclear power generation facilities in Hungary.

*M Matter not handled by ES*
Our International Nuclear Practice

Our credentials

General Commercial

Recent key transactions included advising:

- **URENCO** on drafting bespoke short form agreements and re-working long form agreements in relation to the provision of goods, minor works and services.

- **URENCO** in relation to drafting and negotiating a chemical engineering contract (based on the IChemE Red Book) in relation to the design, construction, operation and decommissioning of a cylinder handling and disposal facility in the UK.

- **Sellafield Limited** on drafting a suite of precedent agreements in relation to the supply of goods and services for use on both major complex, high-value contracts, typically used where a competitive procurement process has been conducted. In addition, we also drafted the accompanying agreement guidance to explain the key provisions, highlight potential risks associated with certain clauses and assist the commercial practitioners in navigating and completing the agreements on a transaction specific basis.

- **Westinghouse Electric UK** on its application to the UK Health and Safety Executive for Generic Design Assessment (GDA) of its AP1000 reactor design; in relation to a cost-sharing/cooperation agreement between Westinghouse and certain other parties relating to the GDA; and on structuring and regulatory matters relating to nuclear new build.

- **International Nuclear Services**, previously a Sellafield/ Nuclear Decommissioning Authority (NDA) joint venture, on various international commercial and nuclear-related operational matters.

- **A radioactive waste management business** in the UK on a review of a Disposability Assessment Framework Agreement.

Regulatory & Nuclear Liability

Recent key transactions included advising:

- **A supplier to the Ministry of Defence** in relation to its nuclear liability under international law and applicable nuclear treaty conventions.

- **A Chinese SOE**: in relation to its potential nuclear liability under international law, local law and applicable nuclear treaty conventions in preparation for its bid to a new nuclear power project in the Middle East.

- **a nuclear fuel supplier** on its internal governance review.

- **EDF Energy** on key regulatory aspects in relation to procurement at Hinkley Point C.

- **Rosatom** in relation to establishing a Jordanian subsidiary and on local law regulatory matters in relation to the proposed new-nuclear IPP to be implemented in Jordan.

- **Various energy companies**: Advising in regards of the German Renewable Energy Sources Act (EEG).
Our International Nuclear Practice

Our credentials

IT & IP

Recent key transactions included advising:

— **International Nuclear Services** (a wholly-owned subsidiary of the Nuclear Decommissioning Authority) on IP entitlement and ownership, patent searching and Freedom to Operate issues in relation to the export of nuclear reprocessing lines.

— **CNNC** on IP entitlement, ownership and Freedom to Operate issues in relation to the design and proposed supply to Bradwell nuclear new-build of the Hualong One third-generation nuclear power reactor.

— **CNNC** on the IP aspects of the establishment of its 'Joint Research and Innovation Centre' joint venture with the UK's National Nuclear Laboratory.

— **Capenhurst Nuclear Services** on the IP aspects of its contract with the UK Ministry of Defence for the provision of technical support relating to the Intermediate Level Waste Interim Technical Store for the Submarine Dismantling Project, including advising on various IP DEFCONS.

Construction & Planning

Recent key transactions included advising:

— an **nuclear regulatory authority** on construction works and related O&M agreements relating to facility management frameworks for its UK business.

— **EDF Energy** in relation to the authorisation of a jetty and the creation of a related harbour at Hinkley Point C to facilitate the construction of the new Nuclear Power Station.

— **EDF Nuclear New Build** on over 50 packages relating to the construction of Hinkley Point C.

— **Nuclear Power Delivery UK** (a consortium comprising Westinghouse Electric, Toshiba International, Shaw Group and Laing O'Rourke Construction) on all matters relating to their proposed tender to Horizon Nuclear Power (a joint venture of RWE and EON) in relation to the construction of new nuclear facilities at Wylfa and Oldbury.

— an **energy company** on construction contracts for a nuclear reactor relating to the marine tunnelling and BNI (Balance of Nuclear Island) mechanical erection works.

— **Babcock Nuclear Limited** (formerly British Nuclear Group, Project Services) on various construction and commercial matters, including all matters relating to major contracts with EDF Energy and CEA concerning the decommissioning of nuclear power plants in France.

— **EPC contractor** for the PALLAS project regarding replacement of the High Flux Reactor in Petten.

Competition, State Aid & Trade

Recent key transactions included advising:
Our International Nuclear Practice
Our credentials

— **RWE**, one of the "Big Six" in the UK energy market, on the market investigation into energy supply, the biggest market investigation ever undertaken by the UK competition and markets authority.

— **Toshiba International** on various nuclear regulatory issues and (with Shaw Group Inc's consent) on the competition aspects of its acquisition of Westinghouse Group (which consists of BNFL USA Group Inc. and Westinghouse Electric UK Limited).

— **CNNC** on EU and UK export control laws in respect of its proposed investment in the £16bn Hinkley Point C Nuclear Power Station.
Disputes

Recent key transactions included advising:

- **Nuclear fuel company** - Construction dispute against UK based infrastructure contractor.

- a **UK nuclear business** on a prosecution by a public regulator relating to a safety incident at one of their sites.

- a **European engineering company** in a dispute over the construction of the world’s largest man-made structure, designed to cover a destroyed reactor building.

- a **client that delivers radioactive waste management support services** on contractual issues under NEC3 and ICE 6th edition contracts, including advising on threatened contract termination, and also acting for the client in a highly successful adjudication.
Our International Nuclear Practice
Our credentials

Key Contacts

UK

<table>
<thead>
<tr>
<th>Robert Pitcher</th>
<th>T: +44 207 919 4714</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partner, London</td>
<td>M: +44 776 861 6536</td>
</tr>
<tr>
<td>Head of Global Nuclear Practice</td>
<td><a href="mailto:robertpitcher@eversheds-sutherland.com">robertpitcher@eversheds-sutherland.com</a></td>
</tr>
</tbody>
</table>

Rob is the head of our global energy and infrastructure group. He also heads up our nuclear practice. Rob specialises in acquisitions, mergers, public company takeovers, flotations, projects and joint ventures and has traditionally advised on some of the firm’s largest transactions. Rob is a member of the Climate Change Committee, International Nuclear Lawyers Association and the Nuclear Industry Association.

Rob leads on joint venture and consortium arrangements for international projects, as well as the operational and regulatory arrangements relating to nuclear new build projects, such as regulatory undertakings, fuel supply and transport and decommissioning arrangements.

Rob has developed a particular specialism in advising Chinese and other Asian investors which are expanding in emerging and developed markets in Africa, the Middle East and Europe. In particular, Rob acts for a number of Chinese State Owned Enterprises (SOEs) which invest in infrastructure projects internationally.

Recent matter highlights include acting for:

- **CNNC** on its investment in the £18bn nuclear power project at Hinkley Point in the UK. Rob was the overall legal project lead; conducting a due diligence review of all key aspects of the new build project; advised on nuclear regulatory, safety and liability issues; and oversaw the production of a detailed due diligence report.

- **CNNC** in relation to its US$3 billion equity investment into a European nuclear supply chain. The transaction involves equity investment as well as a full suite of documents partnering on a joint venture along all aspects of the supply chain, including fuel supply. Led the team to conduct investment due diligence on the French Target group; advised on nuclear regulatory report; and oversaw the production of a multi-jurisdictional due diligence report.

- **CNNC** on its proposed acquisition of a 66% equity stake in an electric utility company based in Slovakia from ENEL for approx. US$2 billion. Rob lead a multi-jurisdictional legal team; oversaw the bidding and due diligence processes, advised the client and negotiated key acquisition documents.

- **Toshiba/Westinghouse and the PRC’s State Nuclear Power Technology Corporation (SNPTC)** on their bid to acquire Horizon Nuclear Power Limited (including both acquisition and consortium structuring aspects. Led a multi-jurisdictional team to negotiate and draft key legal acquisition documents and due diligence.

- **Shaw Group** in its investment in the acquisition vehicle used by Toshiba in its acquisition of Westinghouse (US$5.4 billion). Led a multi-jurisdictional team negotiating and drafting key legal acquisition documents and conducting due diligence.
Our International Nuclear Practice

Our credentials

- **Toshiba/Westinghouse** on strategic policy and regulatory matters in connection with the potential roll-out of the AP1000. Advised on the financing and terms of the Generic Design Acceptance process for the AP1000 reactor design; ongoing advice on nuclear and regulatory matters in the UK.

- **Fluor/BAE Systems** on various nuclear regulatory matters.

- **Toshiba International** on various nuclear regulatory issues and (with Shaw Group Inc’s consent) on the competition aspects of its acquisition of Westinghouse Group (which consists of BNFL USA Group Inc. and Westinghouse Electric UK Limited); including negotiating an equity investment by the Shaw Group into the Westinghouse acquisition vehicle.

- a **consortium including Westinghouse and SNPTC**, on the proposed acquisition of assets belonging to a joint venture, in particular, advising on complex filing issues with the Chinese authorities.

- **Urenco** on various nuclear regulatory, liability and other commercial matters relating to fuel processing, supply and transportation.

- **Nuclear Decommissioning Authority** on legal and nuclear regulatory matters with regard to Toshiba’s termination of NuGen's attempt to develop the Moorside nuclear new-build project.

- **MPower** on the early stages of the development of its aborted SMR project.

"Robert Pitcher is a commercial, sensible and highly knowledgeable guy. It’s always great to see a partner of his standing muck in with his associates throughout the night and into the early hours of the morning. Certainly assisted the in house legal team – by taking direction and running with the instructions.”

**Satjeet Sahota, Equity Capital Markets and M&A Counsel, ABN AMRO Bank N.V**
Our International Nuclear Practice

Our credentials

Matthew Honeyben
Partner, London
Project Development and Finance

T: +44 20 7919 4929
M: +44 7919 678 284
matthewhoneyben@eversheds-sutherland.com

Matt is a Partner in the energy team in London. Matt specializes in project developments, financings, joint ventures, acquisitions and disposals across the power, infrastructure, energy and natural resources sectors with a particular focus on nuclear energy projects.

Relevant matter highlights include acting for:

- **Emirates Nuclear Energy Corporation** in connection with all aspects of its ongoing development of four new APR 1400 advanced pressurized water reactor nuclear-powered generating units with a combined gross capacity of approximately 5,600 MW situated at Barakah in the western region of the Emirate of Abu Dhabi.

- **Barakah One Company** in connection with the refinancing of its project financing in 2019 and the subsequent restructuring of the PPA with EWEC.

- **Fermi Energia** in connection with the SMR programme in Estonia.

- **K.A. Care** on a viability study of the Saudi national nuclear programme, in particular in relation to the delivery of its SMR programme.*

- **NuGeneration Limited** on the development of three AP1000 advanced pressurised water reactor nuclear-power generating units at the Moorside site in West Cumbria, UK.*

- **The UK lead SMR developer** on the early stage development of its SMR programme.*

- **Celeros** on the international nuclear liability regime applicable to its UK business.

- **CZEC** in relation to the international nuclear liability regime applicable in KSA.

- **Lenders** on the US$650m refinancing of the London Array windfarm.*

- **Lenders** on the financing of a 2 x 330MW coal fire power project in Thar, Pakistan.*

- **Lenders** on the financing of the 873 MW hydro-electric generation facility in Khyber Pakhtunkhwa Province, Pakistan.*

- **Speyside Renewable Energy Partnership Ltd** on the successful development and financing of the Speyside combined heat and power plant project in Scotland.*

- **Developers** on the US$317m disposal of the offshore transmission system assets for the 500 MW Greater Gabbard offshore windfarm.*

* Matter advised on prior to joining ES
Peter Greenall
Principle Associate, London
Project Development and Finance
T: +44 207 919 4875
M: +44 7387 121 060
petergreenall@eversheds-sutherland.com

Peter is a Principal Associate in the energy team in London. Peter specializes in project developments, financings, joint ventures, acquisitions and disposals across the power, infrastructure, energy and oil and gas sectors with a particular focus on nuclear energy projects.

Relevant matter highlights include acting for:

- **Emirates Nuclear Energy Corporation** in connection with all aspects of its ongoing development of four new APR 1400 advanced pressurized water reactor nuclear-powered generating units with a combined gross capacity of approximately 5,600 MW situated at Barakah in the western region of the Emirate of Abu Dhabi.*

- **K.A. Care** on a viability study of the Saudi national nuclear programme, in particular in relation to the delivery of its SMR programme.*

- **The lead UK SMR developer** on the early stage development of its SMR programme.*

- **EnBW** on its joint venture arrangements to develop an offshore wind project off the coast of Central California; *

- **SSE Renewables, Copenhagen Infrastructure Partners and SDIC Power** on the construction and financing of the £2.6bn 588-megawatt, 84 turbine Beatrice offshore wind farm, Scotland’s biggest wind farm; *

- **Mitsui** and **ENGIE** on the sale of four thermal power plants in the UK to Energy Capital Partners; *

- **Mitsui** on the sale of its interest in the First Hydro hydroelectric power plant in the UK to Brookfield; *

- **Cory Riverside Energy** on its circa £500m debt refinancing package for its riverside energy from waste plant; * and

- **Saudi EPC contractor** on its proposed development of certain energy-from-waste plants in the United Kingdom*

- **Lenders** on the novel portfolio financing of a number of tranches of gas and electricity smart meters;

- **CKI Infrastructure Holdings** on its bid for the acquisition of Calvin Capital a UK gas and electricity smart meter provider; and

- **European Investment Bank** on its financing of Calvin Capital’s roll out of gas and electricity smart meters in the UK

* Matter advised on prior to joining ES
Alex Doughty
Partner, Hong Kong
Banking & Finance

T: +852 2186 3228
M: +852 5149 1797
alexdoughty@eversheds-sutherland.com

Alex is one of the leading energy & natural resources sector finance advisers in the UK. He has a focus on energy financing mandates with a cross-border and/or emerging markets focus. Alex has advised on transactions involving over US$100 billion of debt financing, many involving multiple jurisdictions, including the UK, Europe, CEE/SEE (including Bulgaria), MENA and emerging markets generally.

Relevant matter highlights include acting for:

- **China Development Bank (CDB) / CNNC** on the approx. £10.5 billion credit support and credit facilities being provided to finance CGN’s participation in the ongoing joint venture with EDF to construct, develop and operate the Hinkley Point C nuclear power project in the UK with a total investment of more than £19 billion.

- **CNNC** in relation to an equity investment into a European nuclear supply chain. The transaction involves equity investment as well as a full suite of partnering of a joint venture along all aspects of the supply chain, including fuel supply.

- **CNNC** in its proposed acquisition of a 66% equity stake in Slovenské elektrárne from ENEL for approx. US$2 billion.

- **CNNC** on its proposed acquisition of a 66% equity stake in an electric utility company based in Slovakia from ENEL for approx. US$2 billion.

- **CDB, ICBC and Bank of China** in respect of credit support facilities in the amount of c.£4 billion and CDB on additional debt facilities of c.£8 billion.

- **RBS/Lombard** in the asset financing of the c.£100 million new dual-fuel power plant being implemented in Gibraltar.

- **MFB** in relation to debt funding provided to the Paks nuclear power plant in Hungary.

- a **sponsor** in relation to the debt financing of a portfolio of renewable power generation assets in Bulgaria.

- **EBRD** in relation to the debt funding of renewable power generation assets in Bulgaria.

- **RBI** on the US$140 million debt financing of ContourGlobal’s acquisition of the Armenian Vorotan River hydropower generation complex (which included a detailed evaluation of aspects of ContourGlobal’s Bulgarian assets).

- **MOL** in relation to the proposed implementation of the Nabucco gas pipeline (transiting across Turkey, Bulgaria, Romania, Hungary and Austria).
Our International Nuclear Practice

Our credentials

Simon Chamberlain
Partner, Manchester
Construction

T: +44 161 831 8295
M: +44 7767 342 750
simonchamberlain@eversheds-sutherl
and.com

Simon specialises in advising clients in the nuclear sector (new build and decommissioning) with drafting, negotiating and advising on procurement strategies, capital assets procurement, framework contracts, standard and bespoke building and engineering contracts, EPC/EPCM contracts, supply agreements and facilities management contracts. He also advises clients on strategies for resolving complex construction and engineering disputes whether by litigation, arbitration, adjudication, mediation or other forms of ADR.

Relevant experience includes advising:

– a **nuclear decommissioning, reprocessing and waste management company** in connection with the successful resolution of a £40 million dispute on a nuclear waste encapsulation project

– **CNNC** in relation to the £18bn nuclear power project at Hinkley Point in the UK.

– **one of the bidders** on the construction due diligence and structuring for the purchase of Horizon Nuclear Power which owns the rights for nuclear new build at Wylfa and Oldbury.

– an **international supplier of uranium enrichment services** in respect of drafting and negotiating a chemical engineering contract for the design, construction, operation and decommissioning of a cylinder handling and disposal facility in the UK.

Simon is ranked as a leading lawyer in the latest editions of both **Chambers** and **Legal 500** described as "technically strong and sees the commercial drives of a transaction".
Jo Hatton-Jones
Partner, Leeds
Construction

Jo is a Partner in the Construction group. She converted to the law after reading a Chemical Engineering degree and specialises in advising on capital asset procurement strategies and documentation in the Energy and Diversified sectors and is a specialist in the Nuclear sector. Jo is a member of the IChemE Contracts committee, drafting domestic and international forms of contract (the committee is currently developing an EPCM contract for use as a standard form contract).

Jo advises on all forms of standard form construction and engineering documentation (such as the FIDIC, LOGIC and IChemE) as well as bespoke documentation (including framework, alliancing agreements, EPC, EPCM and capital asset maintenance contracts). Jo regularly works alongside Eversheds Sutherland’s relationship firms and global offices to deliver global capital asset projects. As part of this process, Jo often works as part of the client team to develop risk and process documentation to ensure the contracts have the correct risk profile and to identify risks that need to be managed outside of the contractual documentation.

Jo is a member of INLA and the client partner for NDA and its subsidiaries (the UK’s decommissioning regulatory body). Jo’s recent experience includes the following projects (project value ranges £250m - £10bn):

- a **Chinese investor** on the due diligence of the construction contracts for Hinkley Point C.

- **NDA** on the FEED, EPC and Project Documents for the construction of a state of the art legacy cylinder facility at a UK nuclear licenced site.

- a **Middle Eastern power business** on the development of a major new thermal power facility in Europe.

- **an international chemical company** in connection with the FEED and EPC contracts for the construction of a VAM Plant in Europe.

- a **Supplier** in connection with the offshore and onshore EPC contracts for the construction of a LNG facility in India.

- **Southsteam** in connection with the preparation and negotiation of the construction contracts for the supply and installation of a major gas pipeline under the Black Sea.
Our International Nuclear Practice
Our credentials

Peter Scurlock
Partner, Birmingham
Construction

T: +44 121 232 1188
M: +44 121 232 1188
peterscurlock@eversheds-sutherland.com

Peter is a partner in our construction practice group. He specialises in non-contentious construction and engineering work, advising clients on procurement strategy and contract issues. Peter has considerable experience in advising on major engineering and construction projects and is experienced in using all of the major contract forms, including the FIDIC, JCT, NEC, MF/1 and IChemE forms as well as bespoke framework and alliancing agreements. Recent highlights include advising:

- EDF on the marine tunnelling contract and a series of other construction and engineering contracts for the new Hinkley Point C nuclear power plant.
- RWE in relation to a major turbine upgrade project at Little Barford Power Station.
- Innogy on the balance of plant contracts for its major offshore wind farm project known as Gwynt y Môr, including the electrical systems, on and offshore cable supply and installation, foundation design, manufacture and installation and OSP topsides transportation and installation contracts.
- Statkraft AS on a major new hydro power scheme in Turkey.

Peter’s role in each of the matters above included advising on procurement; drafting and negotiating EPC contracts; reviewing bidders’ response and finalising contracts.
Alison specialises in advising on all legal aspects of construction and engineering matters, from the outset when the commercial contracts are being agreed to the management and resolution of any disputes that arise.

Having been involved in drafting, negotiating and advising on both bespoke and standard form construction and engineering contracts and ancillary agreements on behalf of employers, contractors, funders and end users, Alison has extensive experience of the nature and content of such contracts, the commercial considerations influencing their negotiation and the issues that can arise during their performance from a number of different perspectives. Alison has particular experience of private finance initiative and public private partnership projects, having acted for public and private sector clients.

Alison is currently advising on the majority of the EPC contracts for Hinkley Point C, one of the largest nuclear projects in development worldwide.

This commercial experience informs Alison's approach when advising on dispute avoidance, management and resolution. Alison has successfully managed construction and engineering disputes through court and arbitration proceedings and has assisted clients to achieve resolutions of disputes by negotiation and mediation.
James advises on all aspects of international trade, including on contractual rights and obligations, export controls and trade sanctions, import tariffs, product classification (import and export), Rules of Origin, anti-dumping, countervailing duty and safeguard measures, WTO law and trade related due diligence in the context of M&A transactions. He has acted on numerous major international transactions requiring an assessment of the applicability of export control/sanctions as well as providing specific advice to companies in respect of compliance. James has significant experience of assisting clients to make voluntary disclosures to Her Majesty’s Revenue and Customs and Her Majesty’s Treasury in respect of infringements of export/import controls and sanctions laws and the use of duty suspension mechanisms, which have to date resulted in no further action being taken against a client or any of its directors.

James’s recent experience includes advising:

— CNNC on EU and UK export control laws in respect of its proposed investment in the £16bn Hinckley Point C Nuclear Power Station.

— a confidential global business on all aspects of export control and trade sanctions which affect its business. He has worked closely with them to implement its existing export compliance policy and to assist in classifying some of its most technical equipment and technology. With its international capability and James’ links into senior officials within the UK Export Control Organisation, the Eversheds Sutherland team has been able to effectively assist the business to remain compliant with minimal adverse impact on its business.

— multiple subsidiaries of a FTSE 250 company, undertaking a EU/UK export control and trade sanctions audit. While ultimately providing a clean bill of health under EU/UK law, serious and disclosable breaches of U.S. law were identified. Working with our partner in the U.S. we disclosed the issues to the Bureau of Industry and Security and ultimately no further action was taken. Our expertise enabled us to identify failures in compliance which were outside the remit of our audit. In doing so, we were able to act on this information quickly and voluntarily disclose the problems in the U.S. which carries significant weight.

— a NYSE listed company with US $1.6 billion turnover on EU/UK export control laws and sanctions. James assisted the client in classifying some of its most complex equipment and technology under the UK’s Military List and engaged with senior officials at the UK Export Control Organisation in order to discuss the analysis and the ECO’s approach to authorising exports to certain potentially problematic jurisdictions. This work assisted the client to streamline its export processes and identify where the real issues were.

— a global brand name with turnover exceeding U.S. $70 billion in respect of various breaches of EU/UK trade and economic sanctions, using voluntary disclosure to have the matter closed without further action being taken James is described in the Legal 500 as being ‘exceptional, invaluable’.
Ben specialises exclusively in energy, predominantly clean and renewable energy generation, nuclear power, battery storage, and renewable transport fuels.

He works on offtake & subsidy regimes, regulatory matters, grid and other commercial aspects of energy projects (in the UK and internationally). He has supported in the development, acquisition, disposal and financing of numerous energy projects, across a range of technologies (including nuclear, on/offshore wind and floating wind, rooftop/ground based solar PV, battery storage, geothermal, CHP, CCGT, biomass and AD/ACT), acting for a range of developers, funds, banks, financial institutions, energy services providers, and large electricity end users.

Education: University of Canterbury, New Zealand, LL.B with First Class Honours

Membership of Professional Associations: New Zealand Qualified: Barrister & Solicitor of the High Court of New Zealand; New Zealand Law Society

Industries, Practice and Regions: Nuclear energy projects, renewables, oil & gas, infrastructure in the UK, Europe Middle East, Asia and US

His experience includes advising on:

- Celeros on the international nuclear liability regime applicable to its UK business
- CZEC in relation to the international nuclear liability regime applicable in KSA
- power purchase agreements (including corporate PPAs) and trading arrangements
- grid connections (including shared connections, and offshore transmission)
- renewables support regimes (such as contracts for difference (CfDs), renewables obligation (RO), feed-in tariffs (FITs), net metering, and renewable heat incentives (RHI))
- disputes and audits with the regulator (Ofgem)
- supplier obligations (including under FIT, RO, ECO, WDH, Green Deal, Supply License Conditions, etc)
- electricity act licensing and exemptions
- electricity charging and balancing regimes (eg, BSC), and disputes relating to charging, as well as advising on innovative charging arrangements/changes
- ancillary and balancing services (such as capacity market (CM), frequency response (FFR), short term operating reserve (STOR), dynamic containment (DC), and other reserve services)
- nuclear regulations (including nuclear liability channelling, site licensing, and radioactive waste management and transport regulations)
- battery regulations (eg, end of life liabilities for collection and recycling)
Our International Nuclear Practice

Our credentials

United States

Mark Herlach
Partner, Washington D.C.
US Head of Nuclear Energy

Mark Herlach is an international lawyer with a practice focused on energy, international trade and defense matters. With deep experience in Asia, Europe, and North and South America, Mark represents a broad range of clients, including corporations, advanced-technology companies and governments. He has guided clients in a broad range of complex matters, including international mergers and acquisitions and import relief, export control and Foreign Corrupt Practices Act investigations. Mark routinely advises on cross-border transactions, cybersecurity, defense, foreign investment, government policy, industrial security (FOCI), international trade and sanctions matters, and nuclear energy.

A member of Eversheds Sutherland (US) Energy group, Mark leads the international trade practice and the Nuclear Energy team. Mark also served as the founding chair of the firm’s Cybersecurity and Privacy team. He has played a leading role in resolving some of the most significant and challenging international trade disputes, involving vital products such as automobiles, semiconductors, steel and uranium. Before joining Eversheds Sutherland (US), Mark was a partner at a major international law firm based in New York and led that firm’s international trade practice in Washington.

Mark frequently speaks on energy, international trade and cybersecurity issues from a national and global perspective. He represents clients before the Committee on Foreign Investment in the United States (CFIUS), the US International Trade Commission, and federal agencies and courts throughout the country.

Mark’s recent experience includes advising:

– CNNC on its potential entry to the US nuclear market for an advanced reactor.

– British Nuclear Fuels plc as the lead counsel in the $5.4 billion auction sale of its U.S. subsidiary, Westinghouse Electric Company, to Toshiba Corporation.

– British Nuclear Fuels plc as the lead counsel in the acquisition of ABB’s global nuclear energy businesses for $485 million.

– A major US nuclear company on its small modular reactor technology

– A nuclear energy trade association in establishing a working group for the deployment of small modular reactors
Our International Nuclear Practice
Our credentials

China

Jay Ze is a Partner based in our Beijing office and is a qualified solicitor of England and Wales. Jay has broad experience in cross-border mergers and acquisitions, private equity transactions, investment funds, joint ventures and corporate finance. Since 2000, Jay has been involved in representing Chinese state-owned enterprises in relation to their international joint ventures, mergers and acquisitions and international IPOs. He also advises international corporations, financial institutions and investment funds in connection with their direct investments and private placements in China and Europe.

Recent matter highlights include acting for:

- **CNNC** in its ongoing joint venture with EDF to construct, develop and operate the Hinkley Point C nuclear power project in the UK with a total investment of more than £17 billion.
- **CNNC** in its proposed joint venture with TerraPower to joint develop the 4th general nuclear technology (travelling wave reactor).
- **CNNC** in relation to an equity investment into a European nuclear supply chain. The transaction involves equity investment as well as a full suite of partnering of a joint venture along all aspects of the supply chain, including fuel supply.
- **CNNC** in its proposed acquisition of a 66% equity stake in Slovenské elektrárne from ENEL for approx. US$2 billion.
- **China XD Group** in its US$1.2 billion international joint venture with GE.
- **Beijing Enterprises Water Group** on its acquisition of CGEP, Veolia Water’s water and wastewater treatment subsidiary in Portugal, for approximately €100 million.
- **Manchester Airport** on its joint venture with Beijing Construction Engineering Group and other investors to build Airport City, a £800 million business district project in the UK.
- **Haier Group** on its proposed US$300 million acquisition and joint venture in Brazil.
Our International Nuclear Practice

Our credentials

Wesley Pang
Partner, International Arbitration
Registered Foreign Lawyer (New York USA)
Hong Kong

Wesley is a partner in the Global Litigation and Dispute Management Group at Eversheds Sutherland. He is based in Hong Kong, where he heads the firm’s international arbitration practice in Asia. Wesley has over a decade of experience in advising private and sovereign clients on commercial and investor-State disputes under various institutional rules. He has particular expertise in energy sector and infrastructure project disputes in Asia, Europe, the Middle East and Africa.

Education: Columbia University, School of Law (2008), JD
King's College London, (2008), LLB
King's College London (2004), BSc. Business Management

Membership of Professional Associations: Member, L'Institut pour l'Arbitrage International
Vice-Chair, Central/East Asia & China Committee, American Bar Association
Member, ICC-HK, Arbitration & ADR Committee

Industries, Practice and Regions: Nuclear energy projects renewables, oil & gas, Asia and US.

Prior to joining Eversheds Sutherland, Wesley was Managing Counsel at the Hong Kong International Arbitration Centre (HKIAC). He led a team of counsel and deputy counsel within the Secretariat handling the Centre’s caseload under various HKIAC rules, the UNCITRAL Rules and the Hong Kong Arbitration Ordinance.

Wesley has authored publications and spoken widely on international arbitration. He is also a member of the International Advisory Board of the Journal of International Law of the Asian-African Legal Consultative Organization, a member of the ICC-HK’s Arbitration & ADR Committee and a member of the American Bar Association’s Section of International Law. He also represented the HKIAC during the September 2019 session of UNCITRAL Working Group II in Vienna, which considered issues relating to expedited arbitration.

Wesley is a member of the SIAC Reserve Panel of Arbitrators and the KCAB Panel of International Arbitrators. He is also an Adjunct Associate Professor with the University of Hong Kong where he is the course convenor for the Arbitration Practice, Procedure & Drafting module (LLAW6157) for the LL.M in Arbitration & Dispute Resolution.

He is admitted to practice law in New York and is a Registered Foreign Lawyer (New York, USA) in Hong Kong.