

EVERSHEDS



**Helping to secure  
your pipeline**

Our international  
water expertise

The global water sector faces huge challenges arising from climate change and population increase including drier summers, increased domestic and industrial demand and more frequent severe weather events. The need for significant investment in water infrastructure will remain at a high level for the foreseeable future globally.

At the same time, pressure on government funding and reform of Public Private Partnerships (PPPs) regulatory frameworks in many parts of the world means that the water sector has become increasingly open to private sector participants.

### How can we help?

At Eversheds we have a dedicated Water Group. Our team of lawyers combines skill sets from numerous legal disciplines across our network of offices across the world and possess an in-depth knowledge of the sector and the different regulatory environments within which it operates.

We work with our clients to analyse issues in the context of their project and provide guidance to the best, most innovative solution.

With presence in Europe, Middle East, Africa and Asia, we are well placed to support our water clients across the world. We act for a significant numbers of international water companies. We advise at all level of the supply chain including project companies, banks, funds, governments and sponsors.

Our advice to international water sector clients covers legal issues such as:

- project structuring and transactions (PPP and others)
- financing
- corporate transactions
- construction contracts and EPC contracts
- operation and maintenance contracts
- commercial contracts and outsourcing
- water sector regulation
- real estate
- environmental regulation and prosecutions
- dispute resolution

### How have we helped others?

#### Members of our water group have advised:

Qatar General Electricity and Water Co (Kahramaa) in relation to: the extension of Ras Abu Fontas "A2" facility; its Facility D Project IWPP project which will have a capacity in the region of 2400MW and 130MIGD; a 25-year water supply deal with Qatar Electricity & Water Company (QEWC) worth 500 million USD; and a new industrial desalinated water project for future industries at Ras Laffan City.

The Egyptian Ministry of Finance with respect to: its PPP for the design, financing, construction and operation of a secondary treatment stage for the Abu Rawash Wastewater Treatment Plant, and the operation and maintenance of the existing primary treatment facilities with a capacity of 1.2 million m<sup>3</sup>/day; and PPP for the design, construction, finance and operation of a wastewater treatment plant to be established in the 6th of October Governorate. This will involve the construction of a new domestic wastewater treatment plant with a planned capacity of 150,000m<sup>3</sup>/day and was the first project in this sector to be launched under Egypt's new PPP law.

Five of the ten United Kingdom Water and Sewerage Companies (WaSCs) in relation to their multi £billion AMP3, AMP4, AMP5 and AMP6 infrastructure investment programmes including water and waste-water treatment plants, storage and distribution networks together with the procurement of numerous "one-off" major projects. We have also advised WaSCs on numerous projects in relation to their non-regulated businesses including in relation to pioneering renewable energy projects (anaerobic digestion waste to energy, solar, wind farms) and long term industrial effluent treatment outsourcing projects including under PPP structures.

Cobra Instalaciones in relation to a 22 MIGD desalination project in Ras Al Khaimah in the United Arab Emirates. We have advised on the Water Purchase Agreement (WPA), Shareholders Agreement and Engineering and Procurement Contract (EPC). The offtaker is a private company. We are also advising on corporate set up aspects, regulatory aspects and reviewing the related real estate documentation. Once completed this will be the first private sector procured utility project in the UAE.

**Other related experience includes acting for:**

- A government related real estate developer in relation to the procurement of five wastewater treatment plants and two desalination plants for their various developments including RFP, concession agreement, land lease, direct agreements with financiers, participating in evaluation and negotiating with bidders.
- Total in relation to its bid for a 1,000 MW water and power project, including the related EPC contract for the project and the subsequent extension of the plant.
- Aqualia as consortium member of the winning consortium in the first PPP Wastewater Project in Egypt, the New Cairo Wastewater Project.
- Abengoa Water on their bid for a reverse osmosis desalination project in Namibia on a BOOT basis.
- Government of Mali in connection with the reorganisation or its water and electricity sectors aiming to build a PPP framework to attract operators.
- Dubai Maritime City Authority in relation to the procurement, development and financing of a district cooling plant and a wastewater plant (industrial and domestic treatment plant).
- Suez/Degrémont in connection with the EPC contracts for Barka 4 IWP in Oman.

**Training**

We deliver training to our clients on the full range of contracting issues. Recent training includes:

- funder requirements
- managing risk through contract negotiations
- change and risk management
- EPC contracting overview
- FIDIC contracts

We can tailor training to your needs where required. Contact us for more information.



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**Did you know?**

1. Eversheds is a global law firm with over 2,500 legal advisors and 4,000 staff across all major discipline areas. We have more than 40 offices in 27 jurisdictions.
2. Our infrastructure project group consists of over 180 specialist project lawyers based in our offices across the world - including Europe, Africa, Middle East and Asia.
3. We are tried and tested, acting for a number of the major international water companies which means we deal regularly with water industry clients and have an intimate knowledge of the sector.
4. We have leading water specialists who understand the issues and challenges facing the industry. For example our Water Group includes a former general counsel and a former chartered civil engineer from water companies with more than 30 years of water industry experience between them.



