

PROJECTS | ENVIRONMENT

Gide's Projects practice group has extensive experience in public-private partnership projects in the environment sector. We assist sponsors, lenders, sovereign entities and multilaterals on water, wastewater, solid waste and urban services projects in Africa, Asia, Europe and the Middle East. We draft both project development documentation (e.g. concessions agreements, management agreements, etc.) and project financing documentation (e.g. facilities agreements, A/B loans, direct agreements, etc.). Our lawyers also draft and amend legislation in relation to the water sector, public-private partnerships, as well as foreign investment-related laws and regulations.

Selected PPP Transactions

Water

- **Rural Water Projects, Benin (ongoing):** advising the IFC on PPP transactions for ten piped water systems in rural areas of Benin grouped into four concession agreements.
- **Asutsuare Bulk Water Project, Ghana (ongoing):** advising the Government of Ghana and the Ghana Water Company on the development of a bulk water supply project under a DBOFT agreement including negotiation and drafting of a PPP agreement for the construction of a water treatment plant with a capacity of 432,000 m³/day and the off-take agreement between the project company and the public utility.
- **Kigali Bulk Water Supply Project, Rwanda (ongoing):** assisting the IFC and the Rwandan Ministry of Infrastructure on the bulk water project for the city of Kigali (water treatment plant with a capacity of 40,000 m³/day).
- **Desalination and Irrigation Project, Chtouka, Morocco (ongoing):** advising the IFC and the Government of Morocco on the design, financing, construction and operation of a seawater desalination plant with accompanying irrigation infrastructure in Chtouka in the Souss-Massa region, Morocco.
- **Drinking Water PPP Project, Burkina Faso (2012-2013):** advising the World Bank and the Government of Burkina Faso on a study on the fair price for drinking water in Burkina Faso and the implementation of a strategy for water PPP projects in rural and semi-rural areas.
- **Management Contract for the Water Sector, Sultanate of Oman (2008-2010):** advising the Public Authority for Electricity and Water of the Sultanate of Oman on the structuring and implementation of a management services contract for the water sector in the Sultanate of Oman.
- **New Qatari Water Law, Qatar (2008):** advising, assisting and providing analytical expertise to the Government of Qatar on the design of a modern legal framework for public utilities and services in the water sector.

ALGIERS
BEIJING
BRUSSELS
CASABLANCA
HO CHI MINH CITY
HONG KONG
ISTANBUL
LONDON
MOSCOW
NEW YORK
PARIS
SHANGHAI
TUNIS
WARSAW

- **Desalination Project, Saudi Arabia (2005-2007):** advising the IFC and the Civil Aviation Authority of the Kingdom of Saudi Arabia on the rehabilitation/replacement of a desalination plant on a BOT basis servicing King Abdulaziz International Airport in Jeddah (including drafting of enabling legislation).
- **Beijing No. 10 Water Project, China (2004-2005):** advising Veolia Water on their bid for Beijing No. 10 Water Project, the first international tender launched by the Beijing Municipality for the financing, construction, operation and transfer of a 500,000 m³/day water treatment plant.
- **OECD Guidelines, EECCA (2004):** advising the OECD and drafting guidelines for performance-based contracts between municipalities and urban water utilities that are suitable in the EECCA regional context. Based on international experience and using “model best practices”, these guidelines address the main issues to be considered for performance-based contracting and how to overcome obstacles and deficiencies that can be encountered in the EECCA region.
- **Legal Framework for PPPs in the Water and Sanitation Sector, Sri Lanka (2003):** advising the Ministries of Housing and of Plantation Industries, the Public Utilities Commission and the World Bank on the existing and proposed legislation in the water supply and sanitation sector. Scope of the work included drafting amendments to the Water Services Reform Bill and National Water Supply and Drainage Board Act.
- **BOT Desalination Plant Financing, Ashkelon, Israel (2002-2003):** advising Veolia on the development and financing of the first BOT water desalination plant in Israel and the first in the Middle East (also the world’s largest reverse-osmosis desalination plant).
- **Chengdu Water Treatment Plant, China (1999):** advising Veolia Water on the bid, negotiation and financing of the Chengdu Water Treatment Plant BOT Project (Sichuan Province), the first water treatment plant developed in the PRC under the pilot BOT programme.

Solid Waste

- **Solid Waste Management, Kampala, Uganda (2013-ongoing):** advising the IFC in relation to the implementation of a solid waste collection and disposal management PPP scheme for the city of Kampala in Uganda.
- **Solid Waste Management PPP, Palestine (2012-2013):** advising the IFC and the Joint Services Council for Hebron and Bethlehem in relation to the implementation, operation and maintenance of a solid waste management scheme in the West Bank, Palestine.
- **Solid Waste Collection and Disposal PPP, Montenegro (2011-suspended):** advising the IFC and four municipalities on the design, financing, construction, operation and maintenance of a sanitary landfill and collection services for municipal solid waste.
- **Barueri Waste-to-Energy PPP, Brazil (2010):** advising on structuring operation & management services for an urban solid waste, steam & energy plant.
- **Solid Waste Disposal PPP, Kosovo (2010-suspended):** advising the Government of Kosovo and an IFI on the implementation of a PPP for the rehabilitation, operation and maintenance of five solid waste landfills and a transfer station.
- **Solid Waste Management PPP, Romania (2009-2010):** advising the Arges County Council on setting up a PPP for solid waste management (waste collection and landfill).
- **Urban Waste, China (2006-2007):** advising Veolia Environmental Services on several urban waste incineration projects developed under a concession scheme.

- **PPP Waste Collection and Disposal, Serbia (2008-suspended):** advising the IFC and the Municipality of Belgrade on the implementation of a PPP for municipal waste collection and disposal.
- **Waste collection, Russia (2004-2009):** advising a major French industrial company on the first concession project in Russia concerning waste collection and incineration in Moscow, including negotiation of agreements with the Moscow City Council.
- **Waste incineration, Russia (2003-2004):** advising a Canadian company on the preparation of the state contracts for waste incineration in the Moscow region, and on the implementation of the provisions of the Kyoto Protocol regarding emissions trading for Russia.

Wastewater

- **Abu Rawash Wastewater BOT Project, Egypt (2010-ongoing):** advising a leading international water and wastewater operator on the tender for the Abu Rawash Wastewater Plant BOT Project.
- **New Cairo Wastewater Treatment Plant Project, Egypt (2007-2010):** advising the IFC and the Egyptian Ministries of Urban Development and Finance on the design, financing, construction, operation and maintenance of a wastewater treatment plant in New Cairo on a BOT basis.
- **Maribor, Wastewater Treatment Plant, Slovenia (2008):** advising the lead arranger for the EUR 24 million refinancing of the Maribor Wastewater BOT Project.
- **Belgrade Water and Wastewater PPP Project, Serbia (2006):** providing legal due diligence of the project and the Belgrade Water Company, structuring the transaction, drafting tender documentation and assisting during the tender process.
- **PPP Urban Water and Wastewater, Gdansk, Poland (2005):** advising the Municipality of Gdansk and the European Union on the implementation of Cohesion Fund financing for a wastewater treatment facility within the context of an existing long-term lease arrangement with a private operator, including the analysis of public interest concerns, state aid and potential windfall profits.
- **PPP Framework, Romania (2005):** advising the Government of Romania and the European Union on the harmonisation of the legal framework for public-private partnerships and concessions in the water, wastewater and transport sectors with EU requirements and international best practice.

Urban Services

- **Greater Lyon Urban Heating Network, France (2012-2013):** advising a bidder during the tender process for a 25-year PPP agreement for the production and distribution of heating and cooling in the three municipalities of the Greater Lyon area.
- **Cergy-Pontoise Public Lighting, France (2013):** advising the lenders on the financing of a PPP agreement for the public lighting network of the Cergy-Pontoise municipality (EUR 120 million).

« Strong activity in Africa, where the team represents states, sponsors and lenders in projects in a variety of sectors including energy, water and waste, mining and infrastructure. Best known for advising on project development and public litigation. Also active in Europe, Asia and the Americas. Strengths: 'Gide has a very experienced team in a lot of areas, but also particularly in the PPP space. The lawyers are very skilled and knowledgeable in PPP, they understand the governments and are able to give advisory support. They did a great job and I'd hire them again.' Work highlights: Acted as counsel to International Finance Corporation (IFC), acting as adviser to the Government of Rwanda, on one of the biggest projects in the water sector in Rwanda. »

Chambers Europe 2016

« Varied projects practice that represents governments and sponsors in an array of PPP and project finance matters across EMEA and Asia, with particular strength in sub-Saharan Africa. Noted strength in mining, oil and gas and power, with additional experience in construction matters. Strengths: 'The team is very diligent, quick and available 24/7.' 'The lawyers come up with answers quickly, have a solid understanding of how we work and produce good quality work.' »

Chambers Europe 2015

- **French Ministry of Defence (2010-2011):** advising a bidder on a partnership contract ensuring energy savings in a military district. The assignment also included the optimisation of greenhouse gas emissions.
- **Heating PPP Project, Russia (2004-2010):** advising Dalkia, a major French company, on providing public heating services in the Leningradsкая region on the basis of a PPP project.
- **Heating PPP Project, Russia (2007):** advising the City of Kaliningrad on a concession project relating to the heat distribution network of Kaliningrad. This is the first concession project of public utilities in Russia.

« Well-known top tier firm for public administrative law with a wide range of specialists in energy and environment, urban planning and development. Seasoned in litigation for sponsors and public authorities, particularly those in the industrial and banking sectors. Strengths: 'We have a trustful relationship. The lawyers not only tell us about the law, but provide a pragmatic approach which withstands our operational constraints.' 'The lawyers are straightforward, efficient, reliable and nice to work with.' Laurent Deruy is a 'very respected and well-known lawyer' in public law with broad experience in public administration and environmental law. He advises French public courts, private companies and banks and currently assists with major infrastructure projects. »

Chambers Europe 2016

« Large and famous public law team that specialises in public procurement, privatisations and PPPs, typically representing sponsors. Highly active in litigation work as well as advising private and public entities on administrative law concerning a number of regulated sectors. Team noted for its expertise in the energy, urban planning, public property, environment and sustainable development sectors. Strengths: 'The lawyers are very good technicians.' Laurent Deruy is very well known in the public law market. He specialises in standalone public administrative and environmental law and also litigates on behalf of French and foreign companies. »

Chambers Europe 2015

New Cairo Wastewater Treatment Plant Project, Egypt
African PPP Deal of the Year 2010

CONTACT PARTNERS

MARIE BOUVET-GUIRAMAND
tel. +33 (0)1 40 75 29 77
bouvet-guiramand@gide.com

JOHN D. CROTHERS
tel. +33 (0)1 40 75 29 24
crothers@gide.com

FRANÇOIS KROTOFF
tel. +33 (0)1 40 75 61 26
krotoff@gide.com

STÉPHANE VERNAY
tel. +33 (0)1 40 75 22 99
vernay@gide.com