

GLOBAL REFERENCE GUIDE



energy & utilities

with global advisor directory

FINANCIER
WORLDWIDE corporate finance intelligence

2012

IMPORTANT COPYRIGHT NOTICE

© 2012 Financier Worldwide. All rights reserved.

DISTRIBUTION RIGHTS

This version of

**“Global Reference Guide:
Energy & Utilities 2012”**

is for

LIMITED PERSONAL USE ONLY

Rights have been granted to the original recipient to store this file on his or her local PC and send it internally to other colleagues within his or her firm.

External distribution, to any contact outside the recipient's firm, in electronic or any other format, is strictly prohibited by the publisher.



GLOBAL REFERENCE GUIDE

energy & utilities
2012

Published by
Financier Worldwide
23rd Floor, Alpha Tower
Suffolk Street, Queensway
Birmingham B1 1TT
United Kingdom

Telephone: +44 (0)845 345 0456
Fax: +44 (0)121 600 5911
Email: info@financierworldwide.com

www.financierworldwide.com

First edition

Copyright © 2012 Financier Worldwide. All rights reserved.

**Global Reference Guide
Energy & Utilities 2012**

No part of this publication may be copied, reproduced, transmitted or held in a retrievable system without the written permission of the publishers.

Whilst every effort is made to ensure the accuracy of all material published in Financier Worldwide, the publishers accept no responsibility for any errors or omissions, nor for any claims made as a result of such errors or omissions.

Views expressed by contributors are not necessarily those of the publishers. Any statements expressed by professionals in this publication are understood to be general opinions and should not be relied upon as legal or financial advice. Opinions expressed herein do not necessarily represent the views of the author's firms or clients.

CONTENTS

REGIONAL TRENDS

NORTH AMERICA

Focus to shift to EPA on environmental issues affecting the energy industry _____	02
Following Sackett v. EPA, administrative compliance orders might wane _____	04
The US Army may provide opportunities for a struggling renewable energy sector _____	06
Where does private equity find its energy? _____	08

EUROPE

Institutional investments in infrastructure in Europe _____	10
Great Britain heralds significant market intervention with new capacity market _____	12
Renewables in the UK: waiting for the dust to settle _____	14
Turkey's test with renewable energy _____	16

ASIA PACIFIC

The pitfalls of competing land use for CSG-LNG projects in Australia _____	18
An 'energy surge' in Malaysia? _____	20
LNG opportunities in Singapore _____	22

MIDDLE EAST & AFRICA

Abu Dhabi oil concessions – opportunities and challenges _____	24
South African responses to climate change – the procurement of renewable energy from IPPS _____	26
The Nigerian power sector: legal and regulatory developments in power sector reform _____	28

ADVISOR DIRECTORY

FIRMS _____	30
PROFESSIONALS _____	45

NORTH AMERICA

Focus to shift to EPA on environmental issues affecting the energy industry

by Jim Rubin and Cliff Rose | SNR Denton

WHEN THE 112TH US Congress returned for its second session in January, it did so with an 11 percent approval rating, the lowest of any Congress in the past four decades. The American public's disapproval of their legislative body is well founded, as partisan bickering and gridlock have hampered legislative efforts on almost every issue from addressing the national deficit to spurring on economic recovery. Nowhere has this stalemate been more apparent than on the energy and environment front with Democrats and Republicans pushing contrasting agendas with little room for compromise.

This legislative gridlock on energy issues is expected to continue for the remainder of the 112th Congress. Republicans in the House will continue their focus on bills that roll back or delay new air rules for the power and industrial sectors, and initiatives that expand domestic oil and gas production. Meanwhile, Democrats in the Senate will promote measures to incentivise energy efficiency and electric vehicles, extend tax credits for renewable energy, and establish a national clean energy standard. Due to a lack of congressional consensus on a direction for national energy policy, very few of these measures will make it to the president's desk. Instead, bills passing out of the House will primarily serve to frame the GOP political and energy agendas heading into the 2012 presidential election while legislation passing out of the Senate will outline competing Democratic priorities and strategies.

In the absence of congressional action, the Obama administration has sought to take the lead on energy and environmental issues. The US Environmental Protection Agency (EPA) has been particularly active of late, rolling out new offshore drilling oversight regulations, higher vehicle fuel efficiency standards, rules limiting emissions of hazardous and conventional pollutants from power plants and industrial manufacturers, and, most recently, greenhouse gas (GHG) emissions limits for new fossil-fuel power plants. By the year's end the EPA is slated to propose or finalise air standards for oil and gas production, regulations on intake of cooling water by existing power plants and, potentially, regulations governing the disposal of coal ash.

Regarding GHG emissions limits, the EPA recently released a proposed rule to enact GHG New Source Performance Standards (NSPS) for new fossil-fuel fired power plants. Under the proposed rule, any new oil, coal or combined cycle natural gas power plants built in the continen-



tal US 12 months after the proposal can emit no more than 1000 pounds of CO₂ per megawatt-hour (MWh). The rule applies only to new generation facilities over 25 MWe, including coal and combined-cycle gas plants and exempts any new builds that are already permitted and will commence construction in the next year. If finalised, the rule proposal would have little effect on the construction of new combined-cycle natural gas plants whose CO₂ emissions fall below the threshold but would effectively prohibit the construction of any new coal plants without carbon capture and sequestration, a costly technology not presently commercially available. The proposed rule is likely to further encourage the shift from coal to combined cycle natural gas plants, a process already underway in the face of record low natural gas prices, lower demand, and increasingly stringent EPA regulation of power plant emissions. This proposal, which could be finalised within a year, will be vehemently opposed by the coal industry and many in Congress. EPA states that it presently has no plans to set NSPS GHG standards for existing plants, but may propose these in the future as well as for oil and gas refineries.

Later this spring the EPA will finalise its reconsideration of its rule on hazardous emissions from industrial, commercial and institutional boilers, another lightening rod for industry and congressional opposition. The EPA will also soon finalise air standards for oil and gas production, including for wells that use hydraulic fracturing to access natural gas, and for oil and natural gas processing plants. During the summer of 2012, the EPA plans to decide how to regulate the disposal of coal ash, a by-product of coal-fired power plants that has received national attention in light of dangerous spills from large coal ash retention ponds. Finally, in late summer 2012 the EPA plans to issue a final rule on requirements for cooling water intake structures under the Clean Water Act (CWA) and to propose revised CWA effluent limitation guidelines for power sector discharges from ash storage ponds, air pollution controls and other waste streams.

We expect Republicans in the House to generally oppose these and other EPA regulations continuing to characterise them as examples of regulatory overreach typical of the Obama administration. However, with Democrats controlling the Senate and President Obama holding veto power, look for EPA regulation of the power sector to continue, at least until the 2012 presidential election. ■

NORTH AMERICA

Following Sackett v. EPA, administrative compliance orders might wane

by Peter L. Gray | McKenna Long & Aldridge LLP

THE US SUPREME Court's unanimous decision in *Sackett v. Environmental Protection Agency*, No 10-1062 (March 21, 2012) struck a mortal blow to one of the Environmental Protection Agency's (EPA) most potent enforcement tools under the Clean Water Act (CWA): the compliance order. The implications of this decision could extend well beyond enforcement under the CWA.

Michael and Chantell Sackett were in the process of levelling their vacant lot in Bonner, Idaho, with fill dirt and rock when an unpleasant surprise arrived via certified mail – an EPA compliance order directing them to immediately remove the fill material and to restore the site in accordance with the Agency's 'Restoration Work Plan'. According to the EPA, the site contained wetlands protected under the CWA, and the placement of fill material in such wetlands constituted an unpermitted discharge of pollutants into "waters of the United States" specifically Priest Lake, just a few lots away from their property.

The Sacketts asked for a hearing on the compliance order, but the EPA denied the request based on the Agency's longstanding position that the CWA prohibits pre-enforcement review of such compliance orders. Undaunted, the Sacketts filed suit against the EPA under the Administrative Procedures Act (APA), asserting that the EPA's compliance order constituted "final agency action" which is subject to judicial review. The district court dismissed their complaint for lack of subject matter jurisdiction, and the Ninth Circuit affirmed the dismissal, holding that the Clean Water Act precludes pre-enforcement judicial review of compliance orders, 622 F.3d 1139 (2010). The Supreme Court reversed.

The Court did not address the question of whether the placement of fill materials onto land that is near but not adjacent to a lake is subject to the Clean Water Act's pollutant discharge prohibition. Rather, Justice Scalia's opinion focused on whether the Sacketts could file an APA action challenging the issuance of the compliance order. Without immediate judicial review, the only way for the Sacketts to raise their legal challenge to the alleged violation would be to refuse to obey the compliance order, and wait for the EPA to file suit. Waiting for that opportunity, however, could lead to a staggering loss, as the daily penalties of \$75,000 mount (up to \$37,500 per day for a continuing CWA violation and another \$37,500 per day of violating the compliance order).

This plainly troubled the Court, as reflected by Justice Alito's concurring opinion that "Until EPA sues them, they are blocked from access to the courts, and EPA may wait as long as it wants before deciding to sue. By that time, the potential fines may easily have reached the millions. In a nation that values due process, not to mention private property, such treatment is unthinkable."

The Court's reversal of the Ninth Circuit prevents such an unjust outcome. The Court stated that there is a strong presumption under the APA favoring judicial review of final agency actions, and ruled that CWA compliance orders qualify as final agency action. Although the APA presumption favouring judicial review is rebuttable, the Court observed that the CWA does not expressly prohibit judicial review of compliance orders, nor could one infer from the Clean Water Act's structure an intent to exclude such orders from judicial review. As Justice Scalia notes, "there is no reason to think that the Clean Water Act was uniquely designed to enable the strong-arming of regulated entities into 'voluntary compliance' without the opportunity for judicial review." Thus, the Court held that CWA compliance orders are subject to judicial review under the APA, and remanded the case for further proceedings.

The Sackett decision may force the EPA to rethink its use of compliance orders under not only the CWA but other environmental statutes. Language similar to the CWA provision authorising compliance orders can be found in the Clean Air Act, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Safe Drinking Water Act. Differences between the CWA language and that found in other laws, however, could prove decisive. For example, the EPA issues administrative compliance orders under CERCLA to compel cleanup of Superfund sites. But unlike the CWA, CERCLA contains an explicit provision barring pre-enforcement review of an EPA cleanup order.

The reach of *Sackett* will soon be tested. In *Range Resources Corporation v. EPA*, a natural gas drilling company has petitioned the US Court of Appeals for the Fifth Circuit for review of an "emergency order" that the EPA issued under the Safe Drinking Water Act. Through the emergency order, the EPA seeks to compel Range Resources to determine if its natural gas 'fracking' operations in the Barnett Shale Formation have contaminated groundwater and to remediate any such contamination. Range Resources asserts that enforcement of the order is a due process violation in the absence of any process to challenge the EPA's findings. The EPA likely will attempt to distinguish *Sackett* on the ground that pre-enforcement review of an emergency order would compromise the Agency's efforts to prevent an imminent and substantial endangerment. Stay tuned. ■

NORTH AMERICA

The US Army may provide opportunities for a struggling renewable energy sector

by Amy S. Koch and Lorraine M. Campos | Reed Smith LLP

THE US RENEWABLE energy market faces on-going challenges that are curtailing the number of new project starts. The US Treasury 1603 cash grant program has expired, and the Renewable Energy Production Tax Credit (PTC) expires at the end of 2012. The credit provides a \$0.022/kWh credit for wind and closed-loop biomass energy and a \$0.011/kWh credit for other non-solar renewable technologies for 10 years. The expiring PTC affects wind projects in particular and in an election year extension of the PTC is uncertain. In addition, low cost natural gas is affecting wholesale electricity prices in certain markets, presenting competitive challenges. While this confluence of events may appear to be distressing for the renewable energy industry, several US Department of Defense (DoD) renewable energy programs, in particular, a new US Army program, may provide a bright spot for US renewable energy developers.

The DoD is the single largest energy user in the US. It spent over \$15.2bn in 2010 to purchase energy and approximately 25 percent of this expenditure was for its installations. Recently the DoD has begun to focus on ways in which energy affects its operations and look for ways to improve its use of all forms of energy through the development and adoption of green energy technologies and practices.

The newest leader in this effort and the largest DoD electricity user, the US Army, has recently started a process to sign up to \$7bn in renewable energy power purchase agreements (PPAs) and other contract equivalents, such as enhanced use leases, energy saving performance contracts and utility energy service contracts. Recently, through the leadership of its Energy Initiatives Task Force (EITF), the Army issued a request for comments on a draft request for proposal (RFP) that it intends to issue in the next few months. The goal is to use private sector investment over the next decade to build renewable energy facilities capable of producing at least 2.1 million mWh of electricity annually.

The Army created the EITF to manage the procurement of renewable energy generated on or near Army land. The EITF's new program was developed in response to the 2007 National Defense Authorization Act that requires DoD facilities to derive at least 25 percent of the electricity it consumes from renewable energy by 2025, and a DoD 'Net Zero Energy' initiative, which challenges DoD installations to produce more energy than they consume, with emphasis on the use of renew-

able energy and alternative fuels.

The contracting process proposed in the request for comments is one of the standard government contracting methods used by Federal agencies. The Army will issue a formal RFP, under which interested renewable developers can submit detailed proposals establishing their qualifications – on a technology-specific basis – to furnish services under a Power Purchase Agreement (PPA) or contract equivalent, for large scale projects of 10 MWs or more. As a result of the formal RFP process, the Army will issue a number of Indefinite Delivery/Indefinite Quantity (ID/IQ) contracts to all qualified and responsible offertory. ID/IQ contracts qualify the awardees for the right to bid on specific projects in subsequent ‘Task Order’ bidding processes for specific projects.

A competition for individual projects will be held among the ID/IQ contract holders for Task Orders and corresponding PPAs. Only those bidders that were selected for each technology – solar, wind, geothermal, biomass, and new alternative technologies – will be invited to propose on a particular Task Order request for proposal for that technology. Moreover, there will be Task Orders reserved for small businesses.

Several aspects of the Army’s renewable program may prove helpful to US renewable developers. First, the sheer size of the Army’s proposed program presents a large and consolidated opportunity. Second, the Army is planning on executing long-term PPAs (or equivalents) of up to 30 years, under a little-used US statute, which gives the Secretary of Defense the authority to enter into long-term PPAs for projects located on or outside DoD installations. Third, as far as contractual counterparties go, the US government is an excellent credit risk, notwithstanding a standard US government contracts “termination for the government’s convenience” clause, expected to be included in each contract. Fourth, the Army may use the EITF program for smaller, less than 10 MW projects. Finally, the Army is currently proposing to try to minimise some of the environmental risks for projects to be located on Army installations, which would be an obvious benefit to renewable developers.

To procure a long-term PPA under the Army’s program bidders need to be prepared to enter into the world of US government contracting, a unique activity dominated by numerous specialised rules. In addition, detailed information about the bidder will be required. A little strategic thinking about how best to respond to the US Army opportunities in a coordinated and integrated comprehensive plan can minimise some of the work needed to prepare a bid. Prospective bidders should consider a thorough internal company review to ensure compliance with the various required representations and certifications for an ID/IQ contract, and begin to plan on how to formulate a specific business proposal. It is unlikely there will be a larger opportunity to bid on US Government electricity supply contracts, so being accepted as a responsible contractor under an ID/IQ contract for the Army’s renewable program could be a gateway to some excellent opportunities. ■

NORTH AMERICA

Where does private equity find its energy?

by David R. Yates | Hunton & Williams LLP

WHILE THE ENERGY industry has always enjoyed the attention of investors and speculators alike, a confluence of global events has led to an even greater focus on the industry and, in turn, is driving M&A activity globally. These events include an increased focus on cleaner, more sustainable energy sources as a result of greater exposure on environmental attention and risks, and a great fluctuation in oil prices.

Additionally, private equity funds have been relatively inactive for quite a while and have significant uncommitted capital to put to work. Those funds need to improve on returns on investments (ROI) and believe that the energy sector can deliver it. Not only are existing private equity firms chasing these deals, but new funds formed by established private equity firms are entering the market. These private equity funds, along with traditional multinational energy companies, will drive competition for opportunities in the energy sector.

The lucrative upside (for example, chasing the shale and oil and gas distribution systems) as well as the long, steady plays (solar, wind and photovoltaic (PV)), are currently getting the most attention. In the US, the total value of oil and gas mergers and acquisitions increased significantly in 2011 due to continued investment in US shale opportunities and related infrastructure, and sustained and new interest from foreign buyers and private equity entrants, according to PwC.

This increased deal value reflects a shift towards more investments in oil and liquid plays in light of natural gas prices being depressed after hitting a 10-year low in 2011. This was shown as recently as 19 March when Williams Partners LP agreed to pay approximately \$2.5bn for Caiman Energy Midstream LLC, a gathering and processing business in the Marcellus Shale, as well as entering Ohio's Utica Shale via a newly formed joint-venture.

Deal opportunities presented by the emerging role of renewable energy continue to evolve and gain more market visibility. In August of last year, Blackstone and KKR teamed up to make an investment of €2.5bn in the construction of Germany's two largest offshore wind farms. More recently, in February, Mitsubishi Corporation acquired a 34 percent stake in Mareña Renovables' wind project, Latin America's largest wind farm project, to be jointly developed by Mitsubishi and its partners, Macquarie Mexican Infrastructure Fund and pension fund PGGM of the Netherlands, with an approximate project cost of \$1.0bn.

Government support is a big incentive for investors in the broader renewable energy market, while, on a corporate level, acquirers are looking to overtake rivals and gain market share as well as to achieve economies of scale. At the same time, in either case, private equity firms are attempting to build a platform company comprised of facilities/plants, delivery systems and contracts with producers for an exit to a larger operator or private equity fund.

Another factor that will impact M&A activity this year is the belief that financing conditions are improving and will be a core M&A driver. While still very fragile, economies appear to be steadily rebounding, allowing for the debt markets to become more accessible. While the current renewables environment could be still be described as challenging at best, all the signs are pointing in the right direction as the deal competition, and resulting scrutiny that projects have had to undergo, has served to improve the industry and its marketability overall. Nonetheless, the availability of financing will admittedly depend upon the specific sector and country in question. For example, with solar technology being less established than wind, solar M&A activity and related financings are susceptible to reductions in government incentives, as are predicted feed-in tariffs in Germany, Italy, France and the UK over the course of the coming year. This will adversely impact the M&A environment within these countries.

Within the renewables sector, onshore wind projects have an easier path as the preferred sector for debt providers, as onshore wind remains an established and well understood technology compared with solar and offshore wind projects. This was particularly evident in the Mareña Renovables wind project which was able to obtain debt financing for the project from a syndicate of commercial lenders, including Banorte, BBVA Bancomer, Credit Agricole, HSBC and Santander, and development banks including Inter-American Development Bank (IDB), Banco Nacional de Obras y Servicios Públicos (Banobras) and Nacional Financiera (Nafinsa). Eksport Kredit Fonden, the Danish export credit agency, also provided a guarantee for a portion of the construction term loan.

Years of innovative development and the increased usage and pricing of existing energy sources has focused the world's spotlight on the energy sector over the past few years, and it shows no signs of weakening in the near future. This focus and resulting upward trend has caught the attention of not only existing corporate players looking to gain market share, but also private equity funds looking to capture and capitalise on a piece of the market. Opportunities and money are out there, and ready to move forward. ■

EUROPE

Institutional investments in infrastructure in Europe

by James Reed and Karolina Kisielewska | Baker & McKenzie LLP

EUROPEAN INFRASTRUCTURE INVESTMENTS are seen as an increasingly attractive option for sovereign wealth funds (SWFs), particularly those based in the Gulf region, and there are currently significant opportunities for SWF investment in infrastructure. With many European countries facing structural budget deficits and debt markets continuing to operate under significant strain, there is a need for governments to either monetise existing infrastructure assets or adopt creative strategies to fund infrastructure development. Examples of this include the proposed sale of electricity transmission assets in Ireland and Portugal, and the many privatisations planned in Greece as a result of the European debt crisis.

Infrastructure projects are seen as a key driver behind economic growth benefiting many different aspects of a country's economy. In the past, governments were wary of the intentions behind SWF investment in infrastructure feeling that the investments were being made for political or economic leverage. Particularly in the US, intervention was made on the basis of national security in relation to the high profile proposed acquisition of the American oil company Unocal by the China National Offshore Oil Corporation (CNOOC) in 2005. Further controversy surrounded the ownership by DP World (a Dubai state enterprise) of P&O and its associated US port assets which were subsequently divested to AIG in 2006 following political pressure.

But the World has changed since 2006, the economic scales have now tipped from West to East and the reality facing governments in Europe is that they need capital to invest in existing and future energy and infrastructure projects. On many of the infrastructure transactions taking place across Europe it is increasingly common to see Middle Eastern or Chinese buyers. Recent examples of this include the acquisition by Three Gorges Corporation, a state-owned Chinese power company, of a 21.35 percent stake in utility Energias de Portugal and the minority stakes taken by China Investment Corporation and the Abu Dhabi Investment Authority in Thames Water, the UK's largest water utility.

According to a report by TheCityUK, a body set up to promote UK financial services, the energy and utilities/infrastructure sectors were significant recipients of direct SWF investments during 2011 with around US\$10bn each. Such investments are aligned with goals that the diverse and varied group of SWFs share — stable long term returns and low volatility. The financial crisis

appears to have caused countries running a budget surplus to shift the focus of their investments onto physical assets, rather than government and market debt securities which carry greater risk and uncertainty.

In order to create an open and competitive market for SWF investments, European governments will have to identify the factors which make infrastructure an attractive investment opportunity for a SWE. They may consider introducing pro-investment policies such as regulatory concessions, fiscal adjustments, commitment to new projects, tax and other incentives. Governments will also need to consider creative mechanisms for evaluating SWFs' investment proposals and strategies for public-private partnerships to address various political considerations.

In particular, governments in Europe have taken steps to revise their approach to SWFs as investors in infrastructure and there is likely to be increased competition between countries to attract this form of investment. The UK government has set out its ambitions for improving the UK's infrastructure development in the National Infrastructure Plan 2011 (NIP) and committed to finding new sources of capital for the UK infrastructure projects. The role of the SWF appears to be increasingly central to the success of the NIP, and the government has emphasised that it will take action to ensure that the UK market benefits from investments by overseas investors. It has focused on Canada, the Middle East, Latin America and China to present the opportunities for investment in UK infrastructure, and significant political backing has been given to this initiative.

The general SWF policy of avoiding taking full ownership or direct control over assets, and improved standards of transparency and disclosure pursuant to the Santiago principles, should provide reassurance to host governments that the investments are not politically motivated.

From a legal perspective, investments by SWFs are never straightforward. Before a SWF invests in mature markets such as those found in Europe, a number of issues such as investment treaties, tax treatment, competition considerations, co-investment and compliance issues need to be considered. Countries that provide investor friendly regulations in these areas are likely to win the race for funding and investment.

The next few years will be both a challenging and exciting time for infrastructure development in Europe. SWFs have significant capital to invest and those governments who embrace this form of investment, and provide an attractive and efficient investment environment, are likely to benefit significantly from the advantages that a stable long-term investor can bring. ■

EUROPE

Great Britain heralds significant market intervention with new capacity market

by Adam J. Langridge | Squire Sanders (UK)

AS PART OF its ambitious electricity market reform (EMR) programme, the UK government's Department of Energy and Climate Change (DECC) recently published a technical update to its earlier white paper.

The update confirms DECC's decision to introduce a new GB-wide capacity market (GBCM) comprising: (i) estimates by DECC of the total volume of reliable capacity needed by the market a number of years ahead; (ii) providers of capacity contracting with the SO for the required level of reliable capacity through a central auction several years in advance of delivery; (iii) secondary trading of capacity between auction and delivery; (iv) successful capacity providers receiving availability payments; and (v) the cost of the scheme being paid for by suppliers.

The goal of GBCM is straightforward. It is designed to incentivise investment in an appropriate level of flexible back-up generation to support an increasing portfolio of intermittent renewable capacity and a fleet of inflexible new-build nuclear, and prevent a potential capacity shortfall expected around 2020 as a result of the decommissioning of a large portion of the UK's existing generation capacity. DECC acknowledges the GBCM represents a significant intervention in the market and for this reason will be leading a detailed design phase during 2012-2013. Key design issues are likely to include:

When will GBCM start? DECC is leaving it open for government ministers to decide when the first capacity auction will run, a decision which will "depend on the security of supply outlook" at the time. However, the next general election in the UK could take place in 2015 and, given that DECC has indicated that the first capacity auction could take place that year, there is a real risk that this decision could become politicised. Recent negative media comment concerning wind farms 'being paid not to generate' could easily be replaced by criticism of a system which 'pays generators for doing nothing', especially in the context of rising electricity bills and continuing austerity.

How will the auctions work? The technical update contains no real detail on how the auctions will work in practice. It is not entirely clear at this stage, for example, whether and to what extent capacity market auction models used elsewhere in the world, for example the PJM capacity market in the US, will influence the design of GBCM.

Who will participate? The update suggests that GBCM may be open to a wide range of market players, including generators (though precisely which reliable generators needs to be defined), consumers, interconnector operators, and possibly traders. DECC is considering whether CfD-FIT-supported generators should be entitled to participate in GBCM and we assume this question will be resolved during the design phase. Also, achieving a high level of involvement from the demand-side will almost certainly be dependent upon the success of the UK's planned roll-out of smart metering, while including interconnected capacity is likely to add to the scheme's overall complexity.

What will a capacity contract look like? Successful capacity auction bidders will enter contracts with the SO which will entitle them to availability payments for making capacity available in a delivery year while at the same time exposing them to 'penalties' for any failure to generate when called upon to do so. In designing the capacity contract, DECC will need to consider a range of issues, including whether different duration contracts could be offered to different types/ages of plant, how the penalties should be levied, the type of any collateral to be provided and whether and how availability payments made under such contracts should decrease over time as the capacity margin improves.

How will the consumers pay? It is not entirely clear at this stage how the cost of the GBCM will be passed through to consumers. For example, will all consumers be required to pay the same pound-per-megawatt cost or will a consumer with a baseload profile pay less than one with a profile containing more peak demand?

With such a complex mechanism the overall balance achieved during its initial design will be critical. What's more, DECC, Ofgem and National Grid undoubtedly have their work cut out if they are to deliver GBCM by 2014 in conjunction with CfD-FIT contracts, another significant limb of EMR. But market design and timing constraints are just two of the many challenges. Complex interactions with other ongoing UK regulatory programmes (for example liquidity and smart-metering) are likely to influence outcomes and increase overall risk. GBCM will also need to be compliant with EU law, obtain state-aid clearance, and be compatible with EU third package measures to promote a single European market in electricity. While all these loose ends are pulled together over coming months, potential investors in new plant will be watching developments with interest. ■

EUROPE

Renewables in the UK: waiting for the dust to settle

by Antony Skinner and Justyna Bremen \ Ashurst LLP

IN PUBLISHING ITS UK Renewable Energy Roadmap in July 2011, the UK government sought to affirm its commitment to supporting renewable energy, as part of its overall strategy to ensure energy security and reduce greenhouse gas emissions. Significant investment in renewables is required if the UK is to meet its target to deliver 15 percent of the UK's energy consumption from renewable sources by 2020. At the same time, however, the government has been introducing changes to the way renewable energy is supported in the UK, meaning that 2011 was tainted with a degree of regulatory uncertainty for both small and large renewable energy projects.

For the burgeoning UK solar industry, supported by the freshly introduced Feed-in Tariff (FIT) scheme, 2011 was a particularly difficult year. The FIT scheme was introduced in April 2010, as a new financial incentive mechanism for small-scale (up to 5 megawatts) renewable energy installations. It operates alongside the existing Renewables Obligation (RO) mechanism for supporting renewable energy. The level of support provided by the FIT scheme was particularly attractive for solar PV projects. By its own admission, the government underestimated the level of take-up of the scheme, and has begun to take steps to reduce the rate of support.

A fast-track review of FIT support for larger solar installations was first announced in February 2011, and was followed by various other changes to the scheme. The support for large-scale solar was cut from 30.7 pence per kilowatt hour (kWh) to 8.5 pence per kWh on 1 August 2011. The initial cuts were justified by the government on the basis that it had not been contemplated that the scheme would support the growing number of 'solar farm' projects, and that the scheme was intended to incentivise microgeneration only.

Only a few months later, in October, the government announced proposals aimed at reducing FIT rates available to smaller-scale (250 kW and below) solar PV installations. The new tariff levels would apply from 1 April 2012.

Significantly, the government proposed that the lower rates should apply retrospectively to installations that become eligible for FIT payments from 12 December 2011 onwards, before the consultation closed on 23 December 2011. This led to two solar PV companies, HomeSun and Solar Century, together with environmental group Friends of the Earth, bringing a judicial

review court action against the government. Following two court rulings in favour of the solar companies, the government applied to further appeal the decision to the Supreme Court but its application has been rejected. The FIT saga has continued with a further round of changes to the scheme being tabled in February this year. The latest proposals include significant reductions in support for small-scale wind energy and possibly a shorter period of support for solar PV. The process has shaken the solar industry. Arguably, it has had wider implications, as it has left some investors questioning the stability of the UK regulatory regime.

2011 has also signalled 'all change' for large-scale renewables. In an attempt to encourage investment in low-carbon generation technologies and to decarbonise the UK's economy, the government published an electricity market reform (EMR) white paper in July 2011. The EMR proposals will phase out the existing RO subsidy system for renewable generation, and introduce a completely new incentive framework which will include feed-in tariffs with contracts for difference (FiTs CfD) for low carbon generation, a carbon price floor, an emissions performance standard for generating plant, and capacity payments. It is intended that FiTs CfD will be introduced in early 2014 and the RO will end on 31 March 2037.

There is some concern that the EMR proposals are adding new complexity to an already complex electricity regulatory regime. In addition, the lead-up period to the introduction of FiTs CfD in 2014, together with the transition period up to 2017, is creating an environment of some uncertainty for investors who need to gamble on which subsidy regime is likely to provide them with a better return on their investment. The government has indicated that it will be introducing legislation and further policy documents on EMR, including a detailed transition and implementation plan, in Spring 2012.

Adding another layer of complexity, in October the government finally launched a long-awaited review of the levels of banded support available for renewable electricity generation under the existing RO regime for the period 2013 to 2017. Under the proposals, a large boost is being given to wave and tidal projects, as these are developing technologies, but a reduced level of support will be given to onshore and offshore wind from 2013 and 2015 respectively.

As the UK government makes final decisions on the various changes, 2012 looks set to continue to be challenging for companies seeking to make investment decisions in the UK renewables sector. It is hoped that some clarity will begin to emerge, and that the government will be mindful of the need for a regulatory certain landscape. ■

EUROPE

Turkey's test with renewable energy

by Serra Basoglu Gürkaynak and Ozan Karaduman | Mehmet Gun & Partners

TURKEY'S ECONOMY HAS become the sixteenth largest economy in the world, which has helped the government to maintain its political success. The government now aims to make Turkey one of the top 10 economies in the world by 2023. This, in return, means a significant increase in the demand for electricity, which, according to the estimates of the government, will double by 2023.

Turkey is heavily dependent on foreign energy resources. The proved resources of fossil fuel in the country are far from sufficient to cover demand for electricity. Currently, nearly 75 percent of the total electricity in Turkey is produced from imported resources. Any fluctuation in the price of oil or gas in the foreign markets has a serious impact on the costs of electricity production.

Taking this into consideration, the government started to take action to encourage and increase the production of electricity through the use of renewable energy resources. For this purpose, the Renewable Energy Law was enacted. However, the Law failed to meet expectations in attracting investment in renewable energy power plants due to a variety of factors, one of which was the low feed-in tariff price. The failure of the Law to attract the required amount of investment pushed the government to amend certain provisions of the Law at the end of 2010, which provides a more attractive environment for investors.

Feed-in tariff mechanism

The cornerstone of the Renewable Energy Law is the feed-in tariff mechanism setting forth an obligation for electricity suppliers to purchase their electricity firstly from accredited power plants generating electricity from renewable energy resources. The previous version of the Law set a range between €0.050/kWh and €0.055/kWh as the minimum and maximum purchase prices over which the electricity can be sold by the power plants which apply and get accreditation to benefit from the feed-in tariff mechanism. That system did not distinguish among the different types of renewable energy resources and applied the same range of prices to every type of renewable energy resource. Moreover, neither price was sufficient to attract investors to establish a power plant generating electricity from renewable energy resources. Therefore, the Amendment Law introduced higher purchase prices varying from \$0.073 – \$0.133/kWh according to the

type of the renewable energy resource used to generate electricity. Although market players were hoping for higher prices, the new prices are still considered to be sufficient to set a base for investors to rely on when making the financial arrangements for establishing power plants.

Incentivising local components

The rather unconventional additional advantage introduced by the Amendment Law is the increase applied to the feed-in tariff prices varying from \$0.004/kWh and \$0.035/kWh for each local component listed in the Renewable Energy Law used in a given renewable energy power plant. These components range from hydroelectric turbines and power generators of wind turbines, to solar PV modules, and the tariff is increased at the above rates separately for each such component. The fact that this new system incentivises the use of locally produced components may make it suspect within the context of WTO Agreements (especially Article III (4) of GATT), to which Turkey is a party. The State of Ontario in Canada has adopted a similar system where the wind or solar power plants require have Ontario originated components to benefit from Ontario's feed-in tariff mechanism. This system is currently being challenged by the EU and Japan before the WTO Dispute Settlement Body. Time will tell whether Turkey is risking a similar challenge arising from incentivised feed-in tariffs for local components. ■

ASIA PACIFIC

The pitfalls of competing land use for CSG-LNG projects in Australia

by Scott Singleton, Mark Carkeet and Ryan Gawrych | Minter Ellison

Australia is currently the fourth largest exporter of liquefied natural gas (LNG) in the world, exporting 19.8 million tonnes in 2010 with a value of around US\$9.5bn, and is forecast to become the second largest exporter of LNG in the world by the end of 2016.

This growth is attributable to the development in Queensland and New South Wales of the world's first LNG export industry to utilise coal seam gas (CSG) as feedstock. Several CSG-LNG projects are currently under development (including BG Group's Curtis LNG project) which will add a further 15.7 million tonnes of exports each year.

As the burgeoning industry continues to grow, CSG-LNG companies are facing strong competition from other land users. This is largely because most of Australia's CSG reserves lie under urban land, prime agricultural land or land which is already being exploited for coal mining. Understanding and balancing these divergent interests has thus become the most pressing issue affecting the development of CSG-LNG projects in Australia.

Managing overlapping coal and gas tenure rights

In Australia, mineral and gas rights are granted separately from interests in the overlying land. Each state and territory has its own rules relating to the exploration and production of CSG, and in many cases a separate regime for coal. Provisions governing the coexistence of competing interests have also been in place for a number of years which seek to manage the tension between CSG and coal mining tenure.

To date, simultaneous operations have been permitted, subject to a demonstrable capacity to work together. The legislation requires the exchange of project information and the negotiating of co-development arrangements. If the parties cannot resolve conflicts, most regimes provide for statutory arbitration.

However, in the context of rising commodity prices and improving technology, the current position has proven inadequate. The imperative to secure tenure (not only for project finance but to also underpin long-term sales contracts) has accelerated the rate of tenure applications and brought the deficiencies of the system into sharp relief.

The principal concern is that in the absence of agreement, projects are unable to proceed. This system also gives production tenure holders significant leverage to constrain the development of trailing exploration projects. Similarly, the lack of political will from government ministers to effectively choose 'winners'



has meant that circuit breaker mechanisms are largely illusory.

Even where a CSG party is able to successfully negotiate an outcome with an overlapping coal tenure holder (or vice versa), the delays and potential costs can be significant. As a result, there have been recent efforts by industry to seek reform for the introduction of a more streamlined and certain system across jurisdictions.

Overlapping tenure procedures have also been developed to cater for the emergence of geothermal energy production and carbon geological storage. With a carbon tax in place from July 2012, these developments may soon pose their own competing land use challenges to CSG-LNG projects.

Land access and protection for land use

All states and territories currently require CSG proponents to obtain the consent of underlying landholders and compensate them for impacts associated with CSG-related activities before such activities can be conducted. There is generally limited rights for a landholder to stop CSG activities from being conducted. However, with the dramatic increase in the footprint of CSG tenure across Eastern Australia, there have been vocal calls from rural communities, whose land is being encroached upon by CSG projects, for government to introduce further safeguards for landholders.

In an effort to balance the competing interests of the agricultural, resource and development industries, the governments of both Queensland and New South Wales have recently restricted the conduct of CSG-related activities in areas which are considered to be prime agricultural land or which are located in close proximity to urban centres. This evidences an emerging trend towards protecting competing land use at the expense of extractive industries. It remains to be seen whether such restrictions will be relaxed in the future as the CSG industry establishes itself.

Future outlook and opportunities for reform

The regulatory landscape governing competing land use for CSG-LNG projects in Australia is currently a 'moving feast', as governments react to developments in the industry. Nevertheless, many of the pitfalls associated with competing land use can be addressed through legislative reforms which introduce greater certainty for CSG-LNG project approvals. There is great scope for further streamlining of approvals, removing complex negotiation requirements and introducing effective determination mechanisms for competing use. Indeed, following recommendations from industry in Queensland, draft legislation has been made available for consultation which has the express purpose of seeking to address concerns relating to competing tenure. In any event, while further refinement of competing land use legislation can be expected moving forward, CSG-LNG companies should not underestimate the existing risks to project developments associated with poor management of competing land use. ■

ASIA PACIFIC

An 'energy surge' in Malaysia?

by Lukman Alias | Zul Rafique & partners

2011 WITNESSED THE execution of a slew of major power purchase agreements (PPAs) and the opening up of energy projects on a tender basis. In addition, Malaysia has introduced renewable energy laws to cement the development of renewable energy as part of an important energy source.

June 2011 saw the long protracted resolution to the Bakun dam with the execution of the PPA between Sarawak Energy Berhad (SEB) and Sarawak Hidro Sdn Bhd. At 228 metres above sea level, the Bakun dam is the second tallest concrete-filled dam in the world, and the biggest hydro dam in Malaysia with an installed capacity of 2400MW. It is situated in the state of Sarawak and construction work commenced in 1994 before being halted in 1997 and revived in 2000. It was initially planned that the plant would provide power supply to West Malaysia via the longest submarine transmission cable in the world. However, this was aborted when the Bakun PPA was executed. The change of plans for the Bakun dam was not entirely unexpected and, in fact, is in tandem with Sarawak's ambitious plan under the Sarawak Corridor of Renewable Energy (SCORE) development plan launched a couple of years ago.

Under SCORE, Sarawak plans to produce up to 28,000MW of electricity supply to various new high electricity consumption industries in Sarawak. The Bakun dam is to be part of that supply. Apart from the Bakun dam, the Murum hydroelectric dam is expected to be completed by the end of 2013, adding an installed capacity of 944MW. It is reported that the SEB will commence construction of a 600MW coal-fired power station in Balingian, Sarawak in 2012. On the off-take side, to date, SEB has signed two PPAs to supply a combined 570MW for two new manganese and ferrosilicon alloy smelting plants in Sarawak. It is aggressively pursuing other buyers and, in the near future, is expected to sign two PPAs to supply the state of Sarawak two new plants in the shape of a polycrystalline silicon smelter and an aluminium smelter. As a result of SCORE's demand on Bakun, there is a need to replace the Bakun supply to meet West Malaysia's electricity demand by 2016. Consequently the government of Malaysia has awarded TNB Janamanjung a contract to build a 1000MW coal fired plant at its existing plant site. It is to be South East Asia's first 1000MW supercritical coal-fired power plant. The government then moved on to a restricted tender for another 1000MW coal fired plant and in December 2011, Malakoff Berhad was



awarded the project and entered into a PPA with TNB.

The Energy Commission now seems to be following the tender method. It plans to add 4500MW of power supply agreements by 2016 to replace the first generation PPAs which will expire in the next few years. The tender exercise is expected to inaugurate a more efficient and competitive power sector benefitting TNB.

Another significant development observed is in the renewable energy sector. The Renewable Energy Act 2011 (REA) came into effect on 1 December 2011 throughout Malaysia, except in the state of Sarawak. The Act seeks to implement the feed-in tariff (FIT) system to catalyse the generation of renewable energy. Under the FIT system, producers and consumers could sell electricity produced from renewable energy resources to power utilities at a fixed premium price for a specific duration. Renewable resources eligible under the system are solar panels, small hydro, biogas and biomass. This would promote the development of diversity in renewable energy resources and at the same time, promote less carbon emissions. A Renewable Energy Fund is established under the Act to finance the FIT scheme.

A regulator, the Sustainable Energy Development Authority was established under the newly enacted Sustainable Energy Development Authority Act 2011 (SEDA) to monitor the implementation of the FIT system and the REA. The SEDA came into force on 1 September 2011 throughout Malaysia, except for in the state of Sarawak.

Both the REA and SEDA are indeed necessary and pivotal to provide a legal framework in regulating the renewable energy industries as well as encouraging Malaysia to go green and join the countries with low carbon emissions. ■

ASIA PACIFIC

LNG opportunities in Singapore

by Kelvin Wong and Tan Wee Meng | Allen & Gledhill LLP

2012 IS POISED to set another important milestone for Singapore's fledgling liquefied natural gas (LNG) market. The country's appetite for LNG has vastly surpassed previous expectations, and the monopoly import rights currently granted to Singapore's sole aggregator importer, BG Singapore Gas Marketing (BG), a British Gas company, looks set to expire this year, well ahead of schedule.

Development of the LNG market

Natural gas (PNG) imported by transnational pipelines from Indonesia and Malaysia presently fuels over 80 percent of the country's power generation needs. However, a heavy reliance on PNG gives rise to reliability concerns, and this was amplified in 2004 when a serious power outage caused by an interruption in the PNG supply affected almost 30 percent of the country. As a means to diversify the country's energy sources, the government announced in 2006 its intention to construct Singapore's first LNG storage and regasification terminal, with an initial send-out capacity of 3 million tonnes per annum (mtpa), with potential for expansion to 6 mtpa.

At that time, Singapore's overall needs for LNG were not expected to be substantial. There was some apprehension that the demand of individual end-users would not be significant enough to attract interest from global LNG suppliers. This eventually led to three developments. In August 2006, the industry regulator, the Energy Market Authority of Singapore (EMA), implemented a gas import control policy, which imposed a moratorium on additional PNG imports for new commercial generation capacity. The moratorium is set to last until 2018, or until the country's demand for LNG reaches 3 mtpa, if earlier.

In addition, the EMA decided to adopt an aggregator model to consolidate the LNG demand from all end-users in Singapore, to enable Singapore to procure and import LNG more efficiently and on more competitive terms. After a competitive RFP process spanning seven months, the EMA appointed BG as Singapore's sole aggregator in April 2008. Under the terms of the licence, BG was given the exclusive right to import LNG to and sell regasified LNG in Singapore until its total sales volume reaches 3 mtpa, or until 2023, whichever is earlier.

The third development was the LNG Vesting Scheme, which was introduced in October 2009 by the EMA. Under the scheme, power generation companies are required to generate a specified capacity of electricity through the mandatory use of regasified LNG.

Singapore's LNG market thus far

Since early 2010, BG began concluding gas sales agreements with Singapore power generators for regasified LNG. Today, barely two years later, domestic uptake of LNG has far exceeded the initial expectations. As of December 2011, BG had reportedly already secured an uptake of about 2.65 mtpa of LNG.

Singapore's first LNG terminal, which is being developed by a wholly-owned subsidiary of the EMA, is expected to be commissioned in the second quarter of 2013. On the back of the unexpectedly strong LNG uptake, the original designed capacity of 3.5 mtpa is now inadequate and a decision has been made to increase the capacity of the LNG terminal to 6 mtpa by installing an additional storage tank. Two new jetties will also be added to the LNG terminal.

What does the future hold?

Indications are that BG may reach its franchised volume of 3 mtpa during 2012, about 10 years ahead of schedule. The EMA recently announced that it will be conducting a public consultation in March 2012 to seek views and feedback to explore the options of the future LNG procurement framework for Singapore, following the expiry of BG's exclusivity. It is not yet clear whether Singapore will continue with a single aggregator model or, alternatively, with two or more aggregators, or some other procurement model (including adopting a free market approach). However, the government has stated that the needs of consumers and the LNG terminal's efficiency are the key considerations for this framework, and competitive pricing and reliability of LNG supplies will be the focus of the upcoming consultation.

What is apparent is that there are clearly significant LNG opportunities brewing in Singapore and in the region. Neighbouring countries are in various stages of developing or planning LNG storage and regasification capabilities to meet the rapidly growing needs for power and utilities for industrialisation and development in this part of the world.

The addition of the third storage tank to Singapore's LNG terminal will not only provide increased storage capacity in Singapore to cope with domestic growth demands, but will also enable buyers to store and re-export LNG cargoes, facilitating trading in the LNG spot market. The additional jetties expand the possible uses of LNG and services that may be offered by the LNG terminal in enabling LNG bunkering opportunities and the distribution of LNG in the region.

Singapore's LNG infrastructure will place the country in good stead to develop as an LNG trading hub, and all eyes are on the EMA as the market waits to see Singapore's LNG procurement direction unfold, and the investment and business opportunities which this will present. ■



MIDDLE EAST & AFRICA

Abu Dhabi oil concessions – opportunities and challenges

by Michael Webb | Hedef & Partners

SEVEN EMIRATES MAKE up the United Arab Emirates (UAE). The Emirate of Abu Dhabi, containing the UAE capital, holds the vast majority of the hydrocarbon reserves located within the UAE. Each Emirate of the UAE has rights under the UAE Constitution to the natural resources within its borders. Consequently, Abu Dhabi pursues its own policies regarding the development of petroleum resources.

Abu Dhabi does not have comprehensive petroleum legislation governing the granting of exploration and production rights. However, certain aspects of the petroleum industry are covered by specific legislation, including the Abu Dhabi Tax Decree 1965 (as amended); Law No. (12) of 1973 – The Petroleum Ports Law (as amended); Law No. (4) of 1976 On the Ownership of Gas by the Emirate of Abu Dhabi; and Law No. (8) of 1978 Regarding the Preservation of Petroleum Resources. Other general laws in force in Abu Dhabi, both federal and local, are also relevant to petroleum projects in Abu Dhabi.

The legal framework for the development of petroleum resources in Abu Dhabi is supplemented by the terms of individually negotiated concessions. These concessions have, in the case of the major concessions, been granted to operating companies which are majority owned by the Government of Abu Dhabi-controlled Abu Dhabi National Oil Company (ADNOC) with minority interests in such operating companies held by international oil companies. The Ruler of Abu Dhabi awarded two major concessions in the 1930s and 1950s, covering all onshore and offshore exploration and production in the Emirate. Many terms of these concessions have been gradually amended over the years to provide for an increased return for Abu Dhabi.

The Abu Dhabi Company for Onshore Oil Operations (ADCO) concession covers petroleum exploration and production activities onshore and in the shallow coastal waters of Abu Dhabi. The international shareholders in ADCO are BP, Royal Dutch Shell, Total and ExxonMobil, all with a 9.5 percent share, and Partex with 2 percent. The Abu Dhabi Marine Operating Company (ADMA-OPCO) concession covers petroleum operations in the Umm Shaif and Zakum offshore fields. The international shareholders in ADMA-OPCO are presently BP (14.67 percent), Total (13.33 percent) and JODCO (12 percent). The Zakum Development Company (ZADCO) concession covers petroleum operations in the Upper Zakum, Umm Al-Dalkah and Satah offshore



fields. The international shareholders in ZADCO are presently ExxonMobil (28 percent) and JODCO (12 percent). These three concessions, in which the Abu Dhabi government, through ADNOC, holds a 60 percent interest, account for the vast majority of Abu Dhabi's current oil production.

The ADCO and ADMA-OPCO concessions are due for renewal in 2014 and 2018 respectively. The existing international oil company participants in ADCO and ADMA-OPCO are understood to have been approached by ADNOC regarding proposals for renewal of those concessions, but it was announced by ADNOC earlier this year that the ADCO concession may be opened up to new participants through a system of public tender by pre-screened applicants. There is clearly a major opportunity there, both for new entrants and for international oil companies with a presence in Abu Dhabi who wish to increase their existing portfolio of interests. There is also speculation that the existing major concessions may be broken up into smaller concessions, with each being operated by one major international oil company, rather than the present large consortium structure.

Income tax is payable on oil activities in accordance with the Abu Dhabi Income Tax Decree of 1965 (as amended). The tax rate ranges between 55 percent and 85 percent depending on the product that generates the taxable income and on the terms of the individual concession agreements, with rates and other fiscal terms negotiated by the Supreme Petroleum Council on behalf of the Government of Abu Dhabi. This can give rise to uncertainty, not least over the true nature of the tax.

There is a general requirement under UAE companies law that all entities must be majority owned by UAE nationals or wholly-owned UAE entities, although there are important exceptions. A new Commercial Companies Law is expected soon, to update the 1984 law. A 1998 amendment to the 1984 law permits companies operating in the oil sector (among others) to 'contract out' of most of the provisions of the 1984 law, but the amendment is often not well understood or effectively used.

The UAE has ratified both the New York Convention and the ICSID Convention in relation to the recognition of foreign arbitral awards, although there are only limited instances where these conventions have been successfully relied upon to enforce arbitral awards in the UAE. The ability to enforce its rights will clearly be a key concern for any existing participant or new entrant.

Finally, although not an issue specific to the oil sector, lawyers should beware of the danger of trying to interpret UAE or Abu Dhabi law on the basis of an English translation. Experience has shown that many such translations can be unreliable. ■

MIDDLE EAST & AFRICA

South African responses to climate change – the procurement of renewable energy from Independent Power Producers*by Claire Tucker | Bowman Gilfillan*

SOUTH AFRICA RATIFIED the United Nations Framework Convention on Climate Change (UNFCCC) in August 1997 and acceded to the Kyoto Protocol in July 2002. As South Africa is classified as a non-annex I country, it is not required to meet targets and timetables for emission reductions in the Kyoto Protocol's first stage of commitment, ending in 2012, as extended at COP17.

Despite being classified as a non-annex I country, at the Conference of Parties in Copenhagen in 2010 South Africa committed to lowering its GHG emissions to 34 percent below current expected levels by 2020 and 42 percent below current trends by 2025. This commitment is conditional on a fair, ambitious and effective international climate change agreement being reached and financial and technological support from developed countries.

South Africa has shown its commitment to the Kyoto Protocol and the negotiations of a new protocol through its participation in and hosting of the COP17 which arguably established a roadmap for the conclusion of a new protocol. At COP17 South Africa sought to showcase its commitment to climate change response by announcing that it had appointed a number of preferred bidders in the Renewables IPP Procurement Programme (the IPP Programme) run by the National Department of Energy (DoE) which is seeking to procure 3725MW of renewable energy from IPPs. This programme is discussed below.

Integrated Resource Plan 2010–2030

The IPP Programme flows from the South African Integrated Resource Plan 2010 which envisages new power being generated from a number of generation sources, including renewable sources such as nuclear (9.6 gigawatts); coal (6.3 gigawatts); wind power (8.4 gigawatts); solar photovoltaic (8.4 gigawatts); concentrated solar (1 gigawatt); and other generation sources (8.9 gigawatts).

National Climate Change Response White Paper 2011

The National Climate Change Response White Paper (NCCRWP) focuses on adaptation, mitigation and mainstreaming of 'climate-resilient development'. South Africa's overall approach to mitigation will include: (i) adopting a 'carbon budget approach' to provide for flexibility and

least-cost mechanisms for companies in each relevant sector and/or sub-sectors; (ii) where appropriate, translating carbon budgets into company-level desired emission reduction outcomes; (iii) requiring companies and economic sectors or sub-sectors, for which desired emission reduction outcomes have been established, to prepare and submit mitigation plans, setting out how they intend to achieve the desired emission reductions; and (iv) deploying a range of economic instruments to support the system of desired emission reduction outcomes. Noting the need to limit 'jobs contraction' in areas of the economy where excessive carbon intensity is unsustainable, the white paper points to a commitment on the part of government to promoting and expanding South Africa's 'green economy'.

The Renewables IPP Procurement Programme

South Africa has recently embarked on a large scale procurement of renewable energy through an IPP procurement programme run by the DoE. The programme was launched in August 2011 and there will be at least three bid submission dates as part of the programme. Successful bidders will enter into a power purchase agreement with Eskom Holdings Ltd, South Africa's state utility electricity supplier. The ministerial determination that launched the programme allows for the procurement of a total of 3725 MW through the programme. The indicative technology is broken down into: (i) onshore wind – 1850 MW; (ii) concentrated solar power – 200 MW; (iii) solar photovoltaic – 1450 MW; (iv) biomass – 12.5 MW; (v) landfill gas – 25 MW; and (vi) small hydro (≤ 10 MW) – 75 MW.

The first submission date was 4 November 2011. Fifty-three renewable energy IPP Projects were submitted in the first round. Of these, 28 projects were appointed preferred bidders in December 2011. This appointment was announced by the SA Minister of Energy during the COP17 conference which South Africa hosted in Durban. The preferred bidders represent potential capacity of 1415.52 MW. The preferred bidders named included 18 solar photovoltaic (PV) projects, eight onshore wind projects and two concentrated solar power (CSP) projects. The second bid submission date was 5 March 2012.

The DoE announced in February 2012 that it is limiting the MW available in the second bid submission window as a result of various requests for postponement of the second bid submission date, as well as concerns raised about the impact of the IPP procurement programme, which has attracted the interest of a number of international developers on the South African Rand funding market. As such, a total of 1225MW is available for the second bid submission window.

The third bid submission date is 20 August 2012. Bidders have until 14 June 2012 to notify the DOE of their intention to submit bids for this bid submission window. ■

MIDDLE EAST & AFRICA

The Nigerian power sector: legal and regulatory developments in power sector reform

by Adekunle Soyibo and Okey Nnebedum | Jackson, Etti & Edu

IN THE RECENT past, power sector reforms in Nigeria have, perhaps, attracted more attention than any other policy initiative of the Nigerian government. The reasons are obvious – the power sector has been beset with persistent inefficiencies characterised by inadequate power supply, vandalism of power equipment, lack of maintenance and system upgrades, huge technical and non-technical losses, and radial and obsolete transmission facilities. Consequently, Nigeria has recorded the highest shortfall indices between electricity demand and supply, providing its population of over 150 million people with barely 3800 MW of electricity.

Electricity was first produced in Nigeria in 1896, 15 years after its introduction in England. In 1972, the National Electrical Power Authority (NEPA) was established with the responsibility to maintain nationwide supply. NEPA operated as a state-owned integrated monopoly provider responsible for generation, transmission, distribution and sale of power and consisted of six generation stations, 11 distribution stations and one transmission station. Thereafter, electricity supply was unable to keep pace with population growth and economic development due to lack of competition and substantial under-investment in the power sector.

In 1999, the Federal Government of Nigeria set up the Electric Power Sector Reform Implementation Committee (EPIC) to recommend measures for sector reforms, promotion of policy goals of liberalisation, competition and private sector-led growth. The efforts of the EPIC led to the evolution of several legal and regulatory reforms in Nigeria. The core principles of the reforms were the unbundling of NEPA, building of a competitive market, consumer protection and provision of quality service.

Legal and regulatory developments

The first step in power sector legal reforms in Nigeria was the amendment of the Electricity Act and National Electric Power Authority Act in 1998. The amendments provided for the removal of NEPA's monopoly (although NEPA remained a vertically integrated provider) and introduced private sector participation into the industry. This was followed by the enactment of the Electric Power Sector Reform Act (the Act) in 2005 which introduced extensive reforms into the Nigerian power sector.

The Act provided for the formation of an initial holding company, the Power Holding Company of Nigeria Plc (PHCN), to hold all the assets and liabilities of NEPA and the subsequent unbundling

of PHCN into 18 successor companies comprising of six generation companies, one transmission company and 11 distribution companies to pave the way for competition and the privatisation of the successor companies. In Part Two of the Act, the development of a competitive electricity market is well outlined. In the first phase, the Act provides that competition will involve bulk purchase and trading of electricity by a temporary bulk purchaser on behalf of the distribution companies until such a time as the industry is developed for bilateral contracting. In the second phase, the Act envisages the development of full competition within the industry after the privatisation of the PHCN successor companies and a declaration by the Minister of Power that the market is ready for full competition.

The Act also established the Nigerian Electricity Regulatory Commission (NERC) as an independent technical and market regulator, responsible for the promotion and development of an efficient industry, licensing of power sector operators, tariff regulation and safety standards. The Act also provides for consumer protection, safety and performance standards for sector operators, transparent tariff regulation and the establishment of the Power Consumer Assistance Fund, Rural Electrification Fund and Rural Electrification Agency.

Today, significant progress has been made in the implementation of the Act including the unbundling of PHCN into 18 successor companies, the incorporation of the Nigerian Bulk Electricity Trading Plc as bulk purchaser, the establishment of NERC, the licensing of more than 30 independent power producers and the commencement of the process of privatisation of the successor companies.

NERC in furtherance of its powers under the Act has introduced the Multi-year Tariff Order (MYTO) to establish a method of determining cost-reflective electricity prices. NERC also introduced the Grid Code and market rules for determining trading arrangement for the wholesale electricity market and regulation of other market players such as the system and market operator.

Conclusion

The rationale behind the unbundling of the PHCN is credible enough as it provides an opportunity for a gradual transition to a fully competitive market. In the meantime, the interface of all relevant factors will be crucial to the success of these legal developments. For instance, risk mitigation will be a question of considerable concern to investors.

A high degree of expectation is now placed on the NERC regarding its ability to maintain independence and create a favourable pricing regime that will ensure uniformity and fair competition. The government has also expressed hope of concluding privatisation of the successor companies by September 2012. Given all the recent developments in the power sector there are signs of significant progress. However a critical reappraisal is necessary to identify hitch factors and provide timely solutions where necessary. ■



ADVISOR DIRECTORY

F I R M S

Allen & Gledhill LLP

law firm

- Address:** One Marina Boulevard, #28-00, Singapore 018989
- Areas of specialisation:** Arbitration; Banking & Finance; Competition & Antitrust; Construction & Engineering; Energy, Infrastructure & Projects; Intellectual Property; Mergers & Acquisitions; Private Equity; Tax; Technology, Media & Telecommunications
- Firm biography:** Allen & Gledhill is an award-winning, full-service commercial law firm which provides pre-eminent legal services to a wide range of premier clients. Currently one of the largest law firms in Singapore with over 300 lawyers, we are consistently ranked as a market leader in Singapore for every major practice area, having been involved in numerous challenging, complex, cutting-edge and significant deals. Many of our partners are recognised as leaders in their fields by various legal publications and industry observers.
- Website:** www.allenandgledhill.com
- Key contact:** Kelvin Wong, Partner, Co-head of Corporate & Commercial, Singapore
+65 6890 7644, kelvin.wong@allenandgledhill.com
- Other contacts:** Tan Wee Meng

Allen & Gledhill

Ashurst LLP

law firm

Address: Broadwalk House, 5 Appold Street, London, EC2A 2HA, United Kingdom

Other offices: 24 offices in 14 countries worldwide

Areas of specialisation: Mergers, Acquisitions & Corporate Finance; Project & Acquisition Financing; Project Development; Equity Capital Markets; EPC Contracts; Reserve Based Lending; Competition, Regulation, International Law & Tax; Property & Planning; Commercial Agreements & Joint Ventures; Litigation & Arbitration

Firm biography: Ashurst is a leading international law firm advising corporates, financial institutions and governments. Our core businesses are in corporate, finance, and the development and financing of assets in the energy, transport and infrastructure sectors. Ashurst operates at the heart of the energy industry across the globe. Our dedicated and specialist energy team are regularly involved in advising on projects in sectors including: oil and gas, LNG, thermal power, renewable energy and nuclear power.

Website: www.ashurst.com

Key contact: Geoffrey Picton-Turbervill, Head of Global Energy, London United Kingdom
+44 (0)20 7859 1209, geoffrey.picton-turbervill@ashurst.com

Other contacts: Antony Skinner, Partner
Peter Roberts, Partner
Justyna Bremen, Professional Development Lawyer

ashurst

Baker & McKenzie

law firm

- Address:** 100 New Bridge Street, London, EC4V 6JA, United Kingdom
- Other offices:** Chicago United States; Hong Kong China; Shanghai China; Rio De Janeiro Brazil; Frankfurt Germany; Singapore; Tokyo Japan; Paris France; Sydney & Melbourne Australia; Moscow Russia
- Areas of specialisation:** Securities; Mergers & Acquisitions; Tax; Banking & Finance; Dispute Resolution; Intellectual Property; Employment; Private Equity; Real Estate; Antitrust & Competition; Trade & Commerce
- Firm biography:** Baker & McKenzie is the original international law firm. It advises many of the world's most dynamic and successful business organisations through more than 3800 locally qualified lawyers and over 5800 professional staff. It is the largest law firm in the world in revenue terms and has one of the largest and longest-established presences of any international law firm in EMEA, Asia Pacific and Latin America. Since 2009 it has opened offices in Abu Dhabi, Luxembourg, Doha and Istanbul.
- Website:** www.bakermckenzie.com/UnitedKingdom
- Key contact:** Gary Senior, Managing Partner, London UK
+44 (0)20 7919 1000, London.info@bakermckenzie.com

BAKER & MCKENZIE

Bowman Gilfillan

law firm

- Address:** 165 West Street, Sandton, Johannesburg, PO Box 785812, Sandton, 2146, South Africa
- Other offices:** Cape Town South Africa; Nairobi Kenya; Dar es Salaam Tanzania; Kampala Uganda
- Areas of specialisation:** Banking & Finance; Capital Markets & Securities; Construction & Engineering; Dispute Resolution; Energy; Environmental, Natural Resources & Climate Change; Mergers & Acquisitions; Oil & Gas; Project Finance & Infrastructure Development; Tax
- Firm biography:** As one of South Africa's biggest and oldest commercial law firms, Bowman Gilfillan draws from a solid knowledge of the local business environment and an in-depth understanding of the country's complex socio-political climate. This enables us to offer technical legal services of the highest calibre in the context of sound, practical business advice. The firm's dynamic combination of local expertise and international presence has attracted high-profile clients both in South Africa and around the world.
- Website:** www.bowman.co.za
- Key contact:** Claire Tucker, Partner, Johannesburg South Africa
+27 11 669 9402, c.tucker@bowman.co.za

BG *Bowman Gilfillan*
Attorneys

Hadef & Partners

law firm

Address: 12th Floor, Blue Tower, Khalifa Street, PO Box 3727, Abu Dhabi, United Arab Emirates

Other offices: Dubai United Arab Emirates

Areas of specialisation: Banking & Finance; Corporate/M&A/Private Equity; Dispute Resolution; Commercial; Property; Engineering & Construction; Employment; Financial Services & Regulatory; Government Regulation; Maritime, Transport & Trade

Firm biography: Hadef & Partners is a full-service business law firm which was founded in 1980 by Dr Hadef Al Dhahiri, the current UAE Minister of Justice. The firm is among the oldest and largest law firms in the UAE, with offices in Abu Dhabi and Dubai. Our 75 lawyers have practised in the UK, US, Canada, Australia, New Zealand and South Africa, and a range of Middle Eastern jurisdictions. Our large team of advocates has rights of audience in all levels of UAE courts and tribunals.

Website: www.hadefpartners.com

Key contact: Michael Webb, Partner, Head of Energy, Abu Dhabi United Arab Emirates
+ 971 2 627 6622, m.webb@hadefpartners.com

Other contacts: Dr Faraj Ahnish, Managing Partner
Sadiq Jafar, Managing Partner Dubai
Richard Briggs, Executive Partner
Basil Siddiqi, Executive Partner

HADEF & PARTNERS

Hunton & Williams LLP

law firm

Address: New York Office, Hunton & Williams LLP, 200 Park Avenue, New York, NY 10166

Other offices: Miami United States; Atlanta United States; Washington, DC United States; Charlotte United States; Dallas United States; Houston United States; Los Angeles United States; Richmond United States; Asia Pacific; United Kingdom

Areas of specialisation: Corporate and Cross Border Transactions; Energy; Transportation; Telecommunications; Financial Institutions; Wind, Solar & Renewable Energy; Latin America

Firm biography: Hunton & Williams LLP provides legal services to corporations, financial institutions, governments and individuals, as well as to a broad array of other entities. While our practice has a strong industry focus on energy, financial services and life sciences, our experience extends to more than 100 separate practice areas, including bankruptcy and creditors rights, commercial litigation, corporate transactions and securities law, intellectual property, international and government relations, regulatory law, products liability, and privacy and information management.

Website: www.hunton.com

Key contact: David R. Yates, Partner, Atlanta United States
+1 (404) 888 4238, dyates@hunton.com

Other contacts: Fernando C. Alonso; Fernando Margarit;
Fradyn Suarez; Uriel Mendieta; Raj Pande

**HUNTON &
WILLIAMS**

Jackson, Etti & Edu

law firm

- Address:** RCO Court, 3-5 Sinari Daranijo Street, Victoria Island, Lagos, Nigeria.
- Other offices:** Lagos Nigeria; Abuja Nigeria; Accra Ghana
- Areas of specialisation:** Energy (Oil, Gas & Power); Mergers & Acquisitions; Banking & Finance; Project Finance; Infrastructure; Business Advisory & Regulatory; Intellectual Property; Taxation; Commercial Litigation & Arbitration; Telecommunications
- Firm biography:** Jackson, Etti & Edu is one of Nigeria's leading commercial law firms, a product of the integration of two highly reputable practices, Norma Jackson Steele & Co. and Etti, Edu & Co. Starting as a medium-sized law firm, Jackson, Etti & Edu has emerged as one of the leading commercial law firms in the country with over 70 staff, including 32 lawyers.
- Website:** www.jacksonettiededu.com
- Key contact:** Koye Edu, Managing Partner, Lagos Nigeria
+234 1 4626 814, koyeedu@jacksonettiededu.com
Fola Olusanya, Partner, folalolusanya@jacksonettiededu.com



McKenna Long & Aldridge LLP

law firm

Address: 1900 K Street, NW, Washington DC, 20006

Other offices: Atlanta United States; San Diego United States; San Francisco United States; Los Angeles United States; New York United States; Denver United States; Orange County United States; Albany United States; Rancho Sante Fe United States; Brussels Belgium

Areas of specialisation: Government Contracts; Corporate; Environment, Energy & Product Regulation; Real Estate; Litigation; Public Policy & Regulatory Affairs; Intellectual Property & Technology

Firm biography: McKenna Long & Aldridge LLP (MLA) is an international law firm with more than 575 attorneys and public policy advisors in 13 offices and 11 markets. Our network of talented, multidisciplinary attorneys and advisors, combined with our depth of resources, enables us to create innovative opportunities and to deliver collaborative solutions for our clients. Driven to achieve our clients' success, MLA builds true partnerships by developing thorough understandings of our clients' industries, their legal issues and business objectives.

Website: www.mckennalong.com

Key contact: Jeff Haidet, Chairman, Atlanta, GA USA
+1 (404) 527 4000, jhaidet@mckennalong.com

McKenna Long
& Aldridge^{LLP}
Attorneys at Law

Mehmet Gün & Partners

law firm

- Address:** Kore Sehıterleri Cad. 17, Zincirlikuyu 34394 Istanbul, Turkey
- Other offices:** Ankara Turkey
- Areas of specialisation:** Corporate & Commercial; M&A & Finance; Litigation & Alternative Dispute Resolution; Intellectual Property; Healthcare; Telecommunication; Energy; Media & Entertainment; Compliance & Anti-Bribery; Insurance & Reinsurance
- Firm biography:** Established in 1986, Mehmet Gün & Partners is a full service Turkish law firm of 50 lawyers, providing national and international businesses with transactional, advisory, and litigation and dispute resolution services. The firm's core areas are commercial and corporate law, regulatory matters and intellectual property. The firm's clientele come from very diverse fields of activity, however, the firm's industry strongholds are in FMCG, Energy, Telecoms and IT, Pharmaceuticals and Healthcare, Advertising, Media, Insurance and Reinsurance.
- Website:** www.gun.av.tr
- Key contact:** Serra Basoglu Gurkaynak, Partner, Istanbul Turkey
+90 (212) 354 0000, serra.gurkaynak@gun.av.tr
- Other contacts:** Mehmet Gün
Sevi Bozoglu Firat

GÜN AVUKATLIK BÜROSU
MEHMET GÜN & PARTNERS

Minter Ellison

law firm

- Address:** Waterfront Place, Level 22, 1 Eagle Street, Brisbane, QLD, 4000
Australia
- Other offices:** Sydney Australia; Melbourne Australia; Canberra Australia; Perth Australia;
Adelaide Australia; Auckland New Zealand; London United Kingdom;
Hong Kong China; Shanghai China; Beijing China
- Areas of specialisation:** Energy & Resources; Corporate Advisory; Infrastructure; Mergers &
Acquisitions; Litigation & Dispute Resolution; Financial Services;
Real Estate; Construction; Environment & Planning; Tax
- Firm biography:** Minter Ellison has one of the largest specialist energy and resources legal
practices in the Asia Pacific region with more than 100 lawyers across
Australia, New Zealand and Asia. Our strength is to combine lawyers from
various offices in virtual teams to work with international and domestic
clients who are operating across borders.
- Website:** www.minterellison.com
- Key contact:** Mark Carkeet, Partner and Head of National Energy and Resources,
Brisbane Australia
+61 7 3119 6215, mark.carkeet@minterellison.com
- Other contacts:** Ross Landsberg (Brisbane Managing Partner)
Scott Singleton
Simon Scott
Brendan Clark

MinterEllison
LAWYERS

Reed Smith LLP

law firm

- Address:** 1301 K St NW, East Tower Suite 1100, Washington, D.C. 20005
- Other offices:** London United Kingdom; New York United States; San Francisco United States; Pittsburgh United States; Beijing China; Hong Kong China; Shanghai China; Abu Dhabi United Arab Emirates; Dubai United Arab Emirates; Los Angeles United States
- Areas of specialisation:** Energy & Natural Resources Development; Energy Regulation; Commodities; Shipping; Government Investigations and Contracts; Litigation & Dispute Resolution; Bankruptcy and Restructuring; Financial Services; Project Finance; Environmental Law
- Firm biography:** Reed Smith is a global relationship law firm with more than 1600 lawyers in 23 offices throughout the United States, Europe, Asia and the Middle East. The firm represents leading international businesses, from Fortune 100 corporations to mid-market and emerging enterprises, and is a market leader in energy & natural resources development and regulation, commodities and shipping, and financial services regulation.
- Website:** www.reedsmith.com
- Key contact:** Amy S. Koch, Partner, Energy & Natural Resources Group, Washington, DC United States
+1 202 414 9223, akoch@reedsmith.com
- Other contacts:** Lorraine M. Campos

ReedSmith

SNR Denton

law firm

- Address:** 1301 K Street NW, Suite 600, East Tower, Washington, DC 20005, United States
- Other offices:** Washington, DC United States; New York United States; London United Kingdom; Paris France; Almaty Republic of Kazakhstan; Moscow Russia; Abu Dhabi United Arab Emirates; Los Angeles United States; Singapore; Africa
- Areas of specialisation:** Energy, Transport & Infrastructure; Financial Institutions & Funds; Government; Health & Life Sciences; Insurance; Manufacturing; Real Estate, Retail & Hotels; Technology, Media & Telecommunications
- Firm biography:** SNR Denton is a client-focused international legal practice delivering quality and value. Joining the complementary top-tier practices of its founding firms – Sonnenschein Nath & Rosenthal LLP and Denton Wilde Sapte LLP – SNR Denton serves clients in key business and financial centres from more than 60 locations across the US, UK, Europe, the Middle East, Russia and the CIS, Asia Pacific and Africa, making us a top 25 legal services provider by lawyers and professionals worldwide.
- Website:** www.snrrenton.com
- Key contact:** Clinton A. Vince, Partner/Chair, Energy, Transport & Infrastructure sector, Washington, DC United States
+1 202 408 8004, clinton.vince@snrrenton.com
- Other contacts:** Elliott Portnoy, Global Chief Executive, SNR Denton Group
Matthew Jones, CEO, SNR Denton UK LLP
Matthew Hanslip Ward, Partner, London
Christopher McGee-Osborne, Partner, London
Marla Valdez, Partner, Almaty

SNR DENTON 

Squire Sanders

law firm

- Address:** 4900 Key Tower, 127 Public Square, Cleveland, OH 44114, United States
- Other offices:** London United Kingdom; Moscow Russia; Perth Australia; Paris France; Houston United States; Kyiv Ukraine; Prague Czech Republic; Washington, DC United States; Madrid Spain; New York United States
- Areas of specialisation:** Renewables; Nuclear; Electricity; Gas; LNG; Waste-to-Energy; Energy Finance & Commodity Markets; Water; Wind; Solar
- Firm biography:** Squire Sanders is a top 20 full service, global legal practice. The firm is unified around a singular focus: our clients and the value we deliver to them. Whilst we have the benefit of being one of the top 10 largest firms in terms of our global footprint, our focus remains on the local needs of our clients. Squire Sanders comprises approximately 1300 lawyers across 36 offices in 17 countries on five continents.
- Website:** www.squiresanders.com
- Key contact:** Lisa Henneberry, Global Head of Energy & Utilities, Washington, DC United States
+1 202 363 7997, lisa.henneberry@squiresanders.com
- Other contacts:** Trevor Ingle, London
Kevin Levey, Washington, DC
Duncan Maclean, Perth
Doug Burnett, New York
Adam Langridge, London

SQUIRE SANDERS

Zul Rafique & partners

law firm

Address: D3-3-8, Solaris Dutamas, No.1, Jalan Dutamas 1, 50480 Kuala Lumpur, Malaysia

Areas of specialisation: Banking & Finance; Capital Markets & Corporate Finance; Commercial & Corporate Advisory; Communications & Multimedia; Corporate Real Estate; Dispute Resolution; Employment & Industrial Relations; Energy & Utilities; Infrastructure & Construction; Intellectual Property

Firm biography: Zul Rafique & partners is a Kuala Lumpur based law firm that was formed in December 1999. As a result of the significant growth achieved since its inception, it is now a large, broad-based commercial legal practice that boasts 35 partners and 45 associates.

Key contact: Lukman Alias, Partner
+60 3 6209 8213, lukman@zulrafique.com.my

Other contacts: Dato' Zulkifly Rafique, Managing Partner

ZUL RAFIQUE  partners 

ADVISOR DIRECTORY

P R O F E S S I O N A L S

ALLEN & GLEDHILL LLP

law firm

KELVIN WONG

Partner

Singapore

kelvin.wong@allenandgledhill.com

+65 6890 7644

ALLEN & GLEDHILL LLP

law firm

TAN WEE MENG

Partner

Singapore

tan.weemeng@allenandgledhill.com

+65 6890 7518

ASHURST

law firm

ANTONY SKINNER

Partner

London, United Kingdom

antony.skinner@ashurst.com

+44 (0)20 7859 1360

BAKER & MCKENZIE LLP

law firm

JAMES REED

Partner

London, United Kingdom

James.Reed@bakermckenzie.com

+ 44 (0)20 7919 1981

BAKER & MCKENZIE LLP

law firm

KAROLINA KISIELEWSKA

London, United Kingdom

Karolina.Kisielewska@bakermckenzie.com

+ 44 (0)20 7919 1642

BOWMAN GILFILLAN

law firm

CLAIR TUCKER

Partner

Johannesburg, South Africa

c.tucker@bowman.co.za

+27 11 669 9000

HADEF & PARTNERS

law firm

MICHAEL WEBB

Partner

Abu Dhabi, UAE

m.webb@hadeffpartners.com

+971 2 6276622

HUNTON & WILLIAMS LLP

law firm

DAVID R. YATES

Partner

Atlanta, Georgia

dyates@hunton.com

+1 (404)888 4238

JACKSON, ETTI & EDU

law firm

ADEKUNLE SOYIBO

Associate

Lagos, Nigeria

kunlesoyibo@jacksonettiandedu.com

+234 01 462 6841

JACKSON, ETTI & EDU

law firm

OKEY NNEBEDUM

Associate

Lagos, Nigeria

okeynnebedum@jacksonettiandedu.com

+234 01 462 6841

MCKENNA LONG & ALDRIDGE LLP

law firm

PETER L. GRAY

Partner and Department Chair
 Washington, DC, United States
 pgray@mckennalong.com
 + 1 (202) 496 7707

MEHMET GUN

law firm

SERRA BASOGLU GÜRKAYNAK

Partner
 Istanbul, Turkey
 serra.gurkaynak@gun.av.tr
 + 90 (212) 354 00 00

MEHMET GUN

law firm

ALI OZAN KARADUMAN

Associate
 Istanbul, Turkey
 ozan.karaduman@gun.av.tr
 +90 (212) 354 00 00

MINTER ELLISON

law firm

MARK CARKEET

Partner
 Brisbane, Australia
 +61 7 3119 6215
 mark.carkeet@minterellison.com

MINTER ELLISON

law firm

SCOTT SINGLETON

Partner
 Brisbane, Australia
 scott.singleton@minterellison.com
 +61 7 3119 6173

REED SMITH

law firm

AMY S. KOCH

Partner
 Washington, DC United States
 akoch@reedsmith.com
 +1 (202) 414 9223

REED SMITH LLP

law firm

LORRAINE M. CAMPOS

Partner
 Washington, D.C.
 lcmpos@reedsmith.com
 +1 202 414 9386

SNR DENTON

law firm

JIM RUBIN

Counsel
 Washington DC, United States
 james.rubin@snrdenton.com
 +1 202 408 9146

SNR DENTON

law firm

CLIFF ROSE

Policy Specialist
 Washington DC, United States
 clifford.rose@snrdenton.com
 +1 202 408 5309

SQUIRE SANDERS

law firm

ADAM J. LANGRIDGE

Partner
 London, England
 adam.langridge@squiresanders.com
 +44 20 7655 1516

ZUL RAFIQUE & PARTNERS

law firm

LUKMAN SHERIFF ALIAS

Partner

Kuala Lumpur, Malaysia

lukman@zulrafique.com.my

+60 3 6209 8213

ABOUT FINANCIER WORLDWIDE'S
GLOBAL REFERENCE GUIDES

Financier Worldwide's "Global Reference Guides" deliver valuable insight and extensive professional coverage of issues and developments driving the international business community. Corporate leaders, investors and advisors around the world use our Guides as a resource to keep-up-to date with key markets.

We are committed to tracking the latest trends in Mergers and Acquisitions, Private Equity and Venture Capital, Bankruptcy and Corporate Restructuring, Banking and Finance, Capital Markets, and more.

Financier Worldwide is recognised as a leading source of intelligence to the corporate dealmaking community. For more information, visit us at www.financierworldwide.com

If you would like to find out how you can participate in a forthcoming Global Reference Guide, please email ebooks@financierworldwide.com



www.financierworldwide.com