



WHY CHOOSE HFW?
GREEN LAW

COLLABORATING TO MAKE A DIFFERENCE...

“The inspiration behind this publication was the discovery that as a sector focused global law firm we had a unique place at the table of environmental responsibility. Our clients looked to us to play our role in making a difference. We pride ourselves on deliberately delivering difference.”

BRIAN PERROTT, HFW LITIGATION

Numerous domestic and world events have shone a spotlight on the green movement this year and this is understandably encouraging businesses to further align themselves with the environmentally conscious.

Not only is public angst against environmental damage and regulatory intervention to push green policies a reason for being ethically and environmentally conscious, but now the courts appear to be taking a stand too.

In the United Kingdom (UK) Supreme Court case *Vedanta Resources Plc and Konkola Copper Mines Plc (Appellants) v Lungowe and Ors (Respondents)*, the court held the UK-headquartered business could be held liable for the operations of its Zambian subsidiary.

At HFW, we work in a number of industries that have serious environmental priorities. We have seen the dramatic shift in corporate attitudes towards population and planet health. Reputationally, businesses are compelled to change. In the same way that the tobacco industry is moving away from the traditional, there is an environmentally-driven metamorphosis that is spreading throughout the global economy. In a year when several major businesses have suffered severe reputational damage due to headline accidents and tragedies, we have seen a growing aliveness to the green phenomenon.

Polluters and environmental damagers are running the gauntlet against regulators, legislators,

the courts and public antipathy. In May last year, the Green Party made considerable gains in the local elections in England and Northern Ireland, while the Extinction Rebellion protests and student activism promoted by Greta Thunberg, the young environmental advocate, have brought the green agenda into sharp focus.

The latest reports that coal companies are now finding it increasingly hard to access capital have resulted from a long list of banks that are now refusing to fund the industry. We now see the decommissioning of ships occurring in more ethical and environmentally sensitive ways, while the International Maritime Organization has passed The 2020 global sulphur limit to further combat ship pollution.

Even our world leaders have recognised the urgent need for global solutions to the climate emergency, and will gather later this year in Glasgow at the United Nations' 26th Conference of the Parties (known as COP26) to advance their shared environmental ambitions.

Businesses should take the green issue seriously because the environmental tide is coming in. If access to justice for environmental claims is further promoted by the courts, then corporates should be on high alert.



COMMODITIES

“Although initially seen as a green initiative, biofuel subsidies contributed to growing deforestation in Indonesia and Malaysia by fuelling palm oil agriculture.”

ALISTAIR FEENEY, COMMODITIES

End of days?

The global appetite for biofuels is diminishing despite growth in some markets

The appetite for sugarcane ethanol biofuel in Brazil is immense. In July, BP announced its joint venture with US agri-commodities company Bunge to create BP Bunge Bioenergia, becoming the second largest player in the sugarcane ethanol biofuel industry in the country. In its announcement, BP highlighted that 70% of vehicles are capable of running on ethanol and indicated that the Brazilian market for ethanol was 26 billion litres in 2018.

But does this show global support for biofuels? Elsewhere, moves to promote the industry have run into trouble, not least because of the environmental impact created by biofuels agriculture.

Biofuel subsidies introduced by the European Union (EU) and the United States (US) in the 2000s to help farmers facing low food prices, had an unfortunate environmental consequence and now the global demand for biofuels and ethanol looks to be shrinking.

Although initially seen as a green initiative, biofuel subsidies contributed to growing deforestation in Indonesia and Malaysia by fuelling palm oil agriculture.

Biofuels were once seen as a benevolent green initiative that could reduce reliance on global oil supply. But then the US shale phenomenon resulted in a glut of oil and gas, diminishing the hunger for alternative fuel sources.

Media and public antipathy towards deforestation has diverted political support for the sector, especially in the developed world. In emerging economies where biofuel agriculture has created thousands of jobs and alleviated poverty, there is understandably greater backing for the industry. Brazil is a classic example. We expect ethanol fuels to be used more locally and regionally, with less of an emphasis on cross-border trade. While ethanol use is more prevalent in emerging markets, such as Brazil, the

developed world may also achieve some growth because sugar beet agriculture has led to rising levels of ethanol production.

However, biodiesel's lifespan looks to be ending. The political tide has turned against diesel due to concerns about nitrogen dioxide emissions and biodiesel has only ever been used as a constituent part of conventional diesel itself.

Wider still, biofuels simply do not have economics on their side. It is currently cheaper, in large part, to produce conventional fuels and the shale oil phenomenon has really reduced demand for alternative fuels.

There is no real commercial driver for an increased production of biofuels without subsidies and the price of gasoline and diesel is still quite low; moreover, there is a far greater global hunger for electric vehicles, which is likely to push biofuels further to the margins.



Making palm oil ethically palatable

Environmental concerns should be assuaged by more ethical sourcing

Palm oil has become an integral commodity in global food manufacturing and retail. Moreover, in the last 15 years or so it has become a recognised raw material for biofuel. At face value, it is a valuable ingredient for greener fuels and it has transformed local and national economies, such as Malaysia and Indonesia, but the economic fortunes have come at a catastrophic environmental cost.

The destruction of carbon absorbing rainforests and other natural habitats has captured the attention of governments and public alike. For those that rely on the commodity, ethical sourcing will be pivotal to its ongoing use.

Attitudes towards the product have shifted enormously in recent years. Palm oil producers received a boost when the EU and US offered subsidies to promote alternatives to conventional fuels, but the subsequent public and political backlash against deforestation has hindered or at least reversed the trend for growth.

As a food commodity, palm oil clearly has a future, at least in the short to medium term. Whether environmental concerns will push palm oil to the margins further down the line is uncertain. Only an outright ban or a tax could have a meaningful impact, although we have already seen some retailers take a stance against the product.

The UK supermarket chain Iceland announced last year that it was prohibiting palm oil in its own-brand products. Its Christmas advert that depicted the effects of deforestation, including the impact on the orangutan population, was banned because of its political overtones.

Retailers and manufacturers are only going to become more attuned to ethical sourcing as environmental, social and governance (ESG) concerns come further to the forefront of corporate agendas. It remains to be seen whether food manufacturers and retailers are likely to suffer reputational damage for persisting with the use of palm oil in their products.

Palm oil is an important component of processed foods, and as such, its production is likely to increase in the foreseeable future. To counter this, government action in the form of levies may be required.

There is still the very valid argument that the palm oil industry is a major force for good in providing thousands of jobs and alleviating poverty. Environmental concerns must be balanced against the economic cost of shutting down or over-regulating these industries.

The environmental argument is a legitimate one, and those that are part of the palm oil sphere would do well to ensure that ethical practices are put in place, including mitigating the effects of deforestation.

Tackling the dark side of the cocoa trade

Consumer brands should heighten focus on ethics in supply contracts

The historical harms caused by the cocoa trade are widely recognised. The industry still has problems associated with low wages, child labour and poor working environments. Consumers are increasingly seeking greater transparency and ethical standards in cocoa-based products and brands that are alive to this could improve their market position. Those that don't will lose out.

A greater focus on transparency and due diligence on the supply chain will help to eradicate exploitation and inhumane working conditions. The Fairtrade Foundation has helped to improve working practices and ensure that farmers and their employees are appropriately remunerated. Chocolate manufacturers and retailers however, still run the risk of reputational and financial damage should they fail to identify

exploitation and poor working conditions in their supply chains. Some major consumer brands have discovered the consequences of not sufficiently handling the problem, with a number of child labour class actions launched in the United States in recent years.

The economics make this an increasingly difficult issue. Global cocoa prices dropped by more than a third between 2016 and 2017, while disease and age is damaging cocoa trees, according to Fairtrade. This is piling on even more pressure on an agricultural sector that is struggling to attract a new generation of farmers and is reputed to use child and slave labour. The average age of a cocoa farmer is over 50, says Fairtrade.

Major chocolate manufacturers have already suffered the consequences. Even though many big brands have intensively examined their

supply chains, stamping out child and slave labour, along with poor working practices, there are still many instances where these industry ills have persisted. These brands should be more explicit in their supply contracts to ensure that counterparties recognise the magnitude of the issue and the potential commercial impact. They should consider making ethical practices a virtue of the brand itself, even if it adds a slight cost premium to the consumer. Investment in schools and education programmes will help to develop economies and alleviate poverty, ensuring that exploitation is diminished. Market forces are already dictating that brands ensure that these ethical approaches are at the heart of their business strategies.



ENERGY

“There is a huge pipeline of offshore wind coming over the next 10 to 15 years.”

RICHARD BOOTH, CONSTRUCTION

Cross-border interconnectors and battery storage are crucial to low-carbon power

Sharing renewable energy through cross-border interconnectors will be pivotal to powering the low-carbon economy. While wind and solar power provide a great hope for energy generation, they are ineffective in still weather conditions or when the sun is hidden by dense cloud.

Subsea high-voltage electricity cables, such as the North Sea Link between Norway and the United Kingdom, will provide nations with a balanced portfolio of renewable energy sources. When wind turbines stand idle, the UK will be able to access Norwegian hydropower. On gusty days when the UK generates an energy surplus, Norway will be able to shut down its dams and hold hydropower in reserve. Advances in battery storage will also enable nations to address peak and off-peak customer demand.

At present the UK is in the midst of a fervent offshore wind power crusade. Socially more palatable than onshore turbines, the UK is surrounded by an expanse of sea

depths that are under 60 metres, ideal for fixed-bottom wind turbines.

There is a huge pipeline of offshore wind coming over the next 10 to 15 years. It is only going to increase thanks to large amounts of water with depths of less than 60 metres.

Government subsidies, further innovation and deepening industry experience are making offshore wind projects economically compelling. Project development costs have plummeted and continue to fall, making offshore wind the preferred route over other renewables. In 2018, the UK government refused to provide subsidies for the Swansea tidal power lagoon project in the belief that it did not provide value for money. Instead, the UK government expects that 30% of electricity will come from offshore wind by 2030, though at present other low-carbon initiatives in the nuclear and gas power sectors have been slower to gain market traction.

Offshore wind power has captured global attention. Major development

projects such as the Formosa III wind farm off Taiwan, which has a planned capacity of 1,900 megawatts, show the ambition of governments and the industry itself. Floating offshore wind turbines also offer the possibility of the industry moving into deeper waters.

Maturity of the offshore wind sector has also led to growing sophistication in contractual terms. Some offshore wind farms have suffered from foundation defects and there have been instances of faults in export cables. Many contractors are now entering mid to long-term framework agreements that allow for cool-off contractual arrangements and cable repair or replacement where necessary. As the industry continues to push the boundaries and with innovation, this will require even higher levels of attention to contractual terms.

HFW has advised on offshore wind projects all over the world, including 70% of the wind farms constructed off the shores of the UK.



Limited lifespan

Does coal still have a future?

Public and political antipathy towards the coal industry and the cost attractiveness of renewable energy has resulted in a dwindling number of coal-fired power plants under development. Global Energy Monitor says construction of coal-fired plants has fallen by 84% since 2015.

Investor and shareholder expectations have also resulted in a shrinking number of banks and financial institutions that are willing to finance coal-fired power plants. At the same time, the cost of developing wind and solar power plants has dropped dramatically, meaning there are fewer compelling reasons to maintain interests in coal-fired power generation.

Climate action, though, is not always the priority of many nations because of socio-economic pressures. In Australia, support for green policies have been balanced against the need to appease regional economies

that depend on the coal industry for jobs. Moreover, Keisuke Sadamori, Director of Energy Markets and Security at the International Energy Agency (IEA) recently stated that South and South East Asia, in particular, depend on coal for economic development. United States President Donald Trump has also thrown his weight behind an ailing coal industry in the hope that jobs can be preserved and regional economies supported.

Hopes that moves towards clean coal programmes would preserve the industry have withered as the process is widely seen as too expensive. Clean coal though has the potential of delivering an effective middle ground in assuaging the concerns of climate activists while preserving jobs and local/regional economies. For nations such as China and India that remain wedded to coal-fired power, clean coal could be a valuable compromise.

Yet more broadly, the global pivot towards renewable energy is no longer just a climate change issue, but a matter of economic prudence. Why pay a premium for dirty energy when low-carbon alternatives such as gas and renewables are becoming considerably cheaper? The reality is that worldwide energy demand is so high that renewables simply cannot meet overall needs. Conventional power has certainly not had its day and coal-fired power generation may well continue to be a major source of energy, particularly in Asia.

Burgeoning LNG demand leads the changing global trade relations

Ever since the discovery in the early 19th Century that natural gas could be cooled and compressed into liquid form and transported relatively inexpensively, there were hopes that liquefied natural gas (LNG) could be a key source of global fuel and power. It's easy to see the attraction: burning gas produces negligible emissions, and gas extraction is less risky than oil drilling. But volatile demand limited the expansion of the LNG industry. It was only in the last 25 years that LNG finally became a globally traded product.

The market has since undergone significant growth. The shale revolution has propelled the United States from being one of the biggest importers of LNG to a net exporter in less than ten years. Concerns in Western Europe about an over-reliance on Russian natural gas, and Japan and Germany's move away from nuclear power in the aftermath of the Fukushima Daiichi disaster in 2011, have also led to an upsurge in

demand for LNG. European imports of LNG more than doubled in the first quarter of 2019, according to Bloomberg.

Small-scale LNG power plants are springing up across Europe, and LNG is expected to become a major source of fuel for ships as a result of the International Maritime Organisation's new limits on sulphur emissions.

Despite this, there remains relatively little LNG trading when compared to other commodities like oil, coal or grain. This reflects the historical structure and practical reality of the LNG market, where exporters financed the high cost of liquefaction facilities by pre-selling their entire production to importers under offtake agreements with terms of 20 years and longer. Only national importers such as TEPCO, KOGAS and BG, and international energy companies such as BP and Shell were willing to make the long-term strategic investments needed to participate in the market.

Even as recently as 2016, less than 30% of LNG was sold on a spot or short-term basis. But this is beginning to change, with major trading companies such as Vitol, Trafigura, Glencore and Mercuria entering the market. A move by more confident exporters to shorter-term contracts, and increased availability of cargoes and reception facilities has fuelled growth. As the market continues to develop, participants should brace themselves for the challenges of high speed trading, opportunist behaviour, and legal disputes, which have been largely absent from LNG markets to date, but have for a long time been ubiquitous in international commodity trading.



SHIPPING

“As part of the drive to reduce the costs of decommissioning, one of the most important areas which needs to be considered is the contractual allocation of risk between the parties.”

TOM WALTERS, SHIPPING

Decommissioning: The price of redundant oil fields

Large scale decommissioning of oil and gas infrastructure is set to cost the industry billions

With the discovery of new oil reserves on the UK Continental Shelf (UKCS) declining and oil and gas prices remaining low since the crash in the market in 2015, decommissioning of offshore oil and gas infrastructure is firmly on the agenda for many operators looking to reduce their balance sheet liabilities as they consider the financial viability of operating fields reaching the end of production.

The decline in activity on the UKCS does however represent a significant opportunity for many of the offshore service providers who have historically supported the booming oil and gas sector. According to a report by Oil & Gas UK, approximately 203 fields on the UKCS are expected to see some form of decommissioning activity between 2018 and 2027. To put this into context, it is anticipated that 2,379 wells will have to be plugged and abandoned, over 950,000 tonnes of topsides and jackets will be lifted and removed and 18,136 concrete mattresses will be removed along with 5,724km of pipeline.

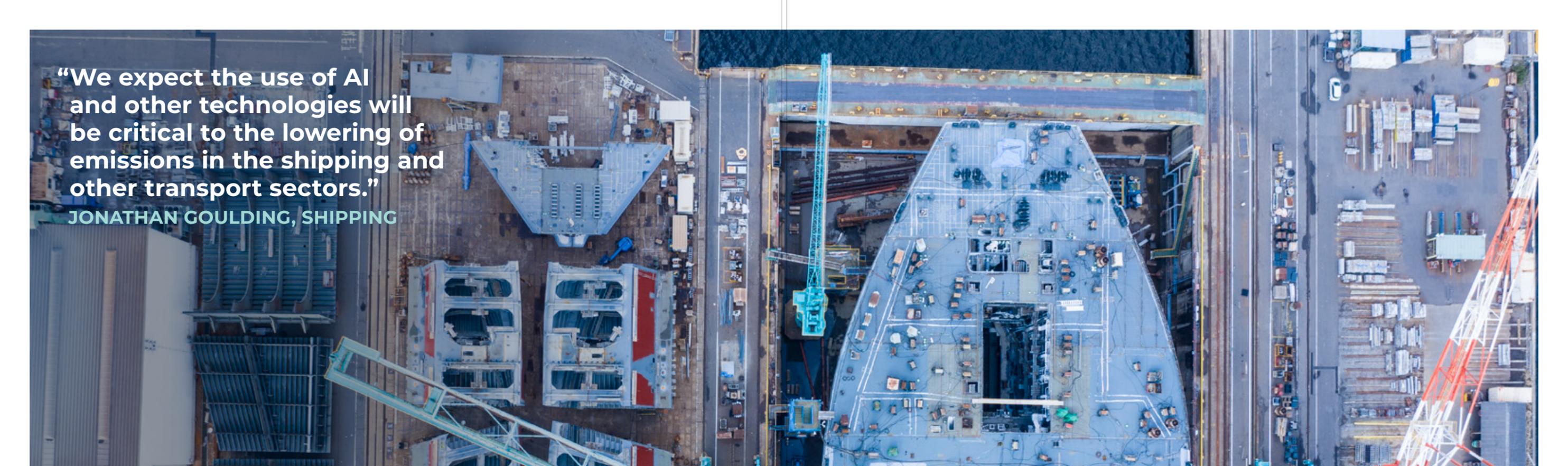
Decommissioning is a complex process for operators, fraught with legal and regulatory challenges, including establishing decommissioning plans, allocating liabilities under joint operating agreements, transferring assets, and complying with all the relevant EU, international and local environmental regulations. Costs are of course a key consideration in any decommissioning project.

Although decommissioning costs have been reducing over the last 5 years as the industry builds up knowledge and expertise from each project, the UK Government has indicated that it wants to see the costs of decommissioning reduced by 35% from the 2016 base line costs estimate. Notwithstanding this, the total expenditure on decommissioning in the UKCS is forecast to be £15.3 billion by 2027.

As part of the drive to reduce the costs of decommissioning, one of the most important areas which needs to be considered is the contractual allocation of risk between the

parties. Standard for contracts have been drafted with the technical challenges of decommissioning in mind. Two versions are currently available in the market: BIMCO's Dismantlecon and LOGIC's Offshore Decommissioning contract. Both contracts address the significant challenges and peculiarities associated with a decommissioning with the hope that standardising agreements will reduce the costs and time spent on negotiating decommissioning contracts.

This is an interesting and fast developing area of law however, decommissioning is not just an issue for the UKCS. Globally, the decommissioning market is estimated to be worth in the region of US\$80 billion and so there are a significant number of opportunities for companies in the UK to export their knowledge and expertise to other jurisdictions and to showcase how the challenges that decommissioning projects present can be addressed.



“We expect the use of AI and other technologies will be critical to the lowering of emissions in the shipping and other transport sectors.”

JONATHAN GOULDING, SHIPPING

AI: Friend not foe

Technology is becoming central to a low-carbon economy

Automated and intelligent technologies are frequently identified as a panacea for many of the planet's ills. These solutions may well be over-hyped, but they are already having a positive impact on the green movement.

Take the mining industry for a start. The use of automated trucks around mines is making huge energy savings. At ports, automated cranes have resulted in quite incredible efficiency gains. We are also seeing a rapid increase in the development of maritime autonomous surface ships (MASS), with the first zero emission container vessel Yara Birkeland due to launch in 2020. Vessel routing and scheduling has also improved, resulting in much reduced emissions.

Inevitably, there will be resistance to machines taking over tasks from humans, but the data does not lie. In the shipping industry, research has shown that the majority of significant marine insurance losses are caused by human error. Autonomous collision avoidance systems have been proven in MASS and AI is being used to improve

bridge situational awareness on board conventional ships. Despite the recent tragedies involving Boeing aircraft, air transport remains incredibly safe and has been made safer through more automation, which has reduced the instances of human error.

We expect the use of AI and other technologies will be critical to the lowering of emissions in shipping and other transport sectors. Ports are set to assess each vessel for its environmental impact and to charge it according to its level of emissions. We expect there to be growing pressure on shipping operators to share their data so that ports can assess their overall environmental impact. It will be imperative that shipping operators and ports seek to protect and secure this sharing of data, but refusing to supply it could have a negative impact.

Of course the increased use of AI and data sharing will potentially increase the risk of a cyber event, which could compromise safety. Cyber resilience will be key to ensuring positive outcomes.

Ship Recycling: global developments towards a more sustainable industry

The entry into force of the European Ship Recycling Regulation EC NO. 1257/2013 (the “SRR”) on 31 December 2018 brought ship recycling into the consciousness of both the industry and all those concerned with environmental standards. Recent prosecutions and investigations by national environment agencies into the activities of shipowners and insurers have reinforced the need for awareness of the complex regulations and laws which apply. Against the backdrop of the global drive for greater sustainability and environmental responsibility, coupled with the consequences of non-compliance, a number of banks and insurers now actively require shipowners to adhere to green recycling policies to benefit from their products. Owners are also showing a growing concern to demonstrate their green credentials.

More recently, in November 2019, the key international legislative regime for ship recycling came a step closer to coming into force when the

Indian Government approved a bill designed to give effect to the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (the “HK Convention”).

This brings the total number of IMO member states ratifying the HK Convention to the required 15; however, further tonnage and recycling volumes are needed before it can come into force. Until 2018 / 2019 India was the largest player in the global ship recycling industry (recently overtaken by Bangladesh) and still maintains around 25% of this market. Together India, Bangladesh and Pakistan account for over 90% of global ship recycling by gross tonnage and India therefore leads the way as the first of these 3 main ship recycling states to ratify the HK Convention. Accordingly, India's recognition of the HK Convention will be of significant importance and potentially the spur to encourage the other major ship recycling nations to ratify the HK Convention.

HFW has been at the forefront of the ship recycling industry advising all stakeholders, including banks, insurers, owners, cash buyers and recycling facilities, on how to navigate the international legal requirements and obtain the necessary permits, where applicable.

In recent months, HFW has seen a rise in requests from shipowners to develop bespoke green recycling policies throughout the life-cycle of their vessels.

“The shipping industry is arguably facing its most significant challenge so far this century...”

ALESSIO SBRAGA, SHIPPING



IMO 2020: Sulphur emission regulations

IMO 2020 will radically reduce global emissions

The World Meteorological Organization recently indicated that the actual concentration of greenhouse gas (GHG) emissions in the atmosphere directly impacting climate change have actually accelerated. This exposes the unwelcome fact that current efforts to cut global emissions are inadequate. The timing of the 2020 sulphur emission regulations of MARPOL Annex VI (‘IMO 2020’) could, therefore, not have come soon enough.

Carriage by sea accounts for 90% of current world trade and shipping represents the most economically and environmentally sustainable means of transporting high volume goods in bulk globally. Over past decades, the shipping industry has consistently contributed towards environmental protection through global measures adopted by the International Maritime Organization (‘IMO’) and its contracting states which have been designed to progressively address the impact of pollution on ocean ecosystems and reduce GHG emissions.

IMO 2020 is the necessary next step towards achieving significant environmental protection. It is suggested that a reduction in the sulphur content of ships’ fuel will translate into a drastic drop in overall global sulphur emissions and lead to significant improvements in air quality and the prevention of acid rain.

IMO 2020 has two key regulatory elements: (1) a maximum of 0.50% (reduced from 3.50%) sulphur content in any fuel consumed by ships from 01.01.20; and (2) a prohibition on the carriage of fuel with a sulphur content of >0.50% for consumption in fuel tanks from 01.03.20. As IMO 2020 applies to any trades involving ships calling at MARPOL states and ships which are MARPOL flagged, we are effectively talking about a *global* sulphur cap, in addition to designated “*Emissions Control Areas*” around the globe where sulphur content is limited to a maximum of 0.10%.

IMO 2020 represents regulatory change on a global scale and has already started to impact all the main stakeholders in the transport chain as well as ship manufacturing, fuel supply, and the finance¹ and insurance side of the business. Inevitably, it is also leading to a shift in the nature and type of marine fuels required by the global marine industry to those which are cleaner. This, again, is another positive development.

The shipping industry is arguably facing its most significant challenge so far this century. IMO 2020 requires consistent implementation and cooperation between all the main stakeholders in the shipping industry as well as MARPOL contracting states. Whilst there exist serious practical, commercial and legal challenges ahead, the shipping industry is reacting positively and decisively to these challenges.

¹ For example, the Poseidon Principles provide a framework which enables to assess the climate alignment of ship finance portfolios.

“On a recent trip to Greece, I had the good fortune to enjoy the beautiful landscape and warm climate, but the misfortune to encounter a shipwreck that resulted in plastic waste and rubbish littering an uninhabited island.”

BRIAN PERROTT, HFW LITIGATION

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We only use paper stocks that are FSC Certified. This ensures that all our paper is made with materials from well-managed forests and/or recycled sources.

Our global reach

We have 20 offices around the world and also work with top local firms and experts in their sectors.

CONSTRUCTION

With 175 turbines and generating 630MW, this project was until recently the world's largest off-shore wind farm by turbine count. We advised the foundations and the cabling contractors throughout the delivery of this £2billion+ project.

CONSTRUCTION

We acted for the contractor in relation to its tender and the negotiation of the balance of plant EPC contract and associated security documents for the fabrication and installation of the offshore turbines, the inter-array and export cables. This is a demonstrator project trialling new generation technology and services, including the world's most powerful installed turbines (MHI Vestas V164-8.8MW) and the first time that suction bucket jacket foundations and 66kV inter-array cables have been used on an offshore wind project.

COMMODITIES

Advising an oil major in a dispute with another oil major in relation to import duties on bio-ethanol delivered to Northern Europe from South and Central America.



SHIPPING

HFW represented salvors of a container vessel in the Arabian sea. Besides advising on LOF salvage, the team advised on environmental issues relating to excavation and removal of burnt cargo and firefighting water, as well as the regulatory regime governing waste transportation.

ENERGY AND RESOURCES

The Paris office has advised the Crédit Agricole Group on the financing of Corsica Linea's first LNG propelled ship. The financing was set up according to "Green Loan Principles", which is in keeping with the Group's "Green Finance" policy and, more specifically, its commitment to energy transition.

ENERGY AND RESOURCES

The Paris office has been assisting the lending banks in the financing of several water treatment plants in Sri Lanka, including a BPI Assurance Export-backed project in Matale. The project aims at upgrading and rehabilitating existing water treatment plants while improving the efficiency, capacity and quality standards of supplying water to over 350,000 people in the Matale District.

SHIPPING

Advising on a number of transactional, litigation and regulatory matters in the Gulf of Mexico and dealing with regulatory compliance issues with BOEM, BSEE and the US Coast Guard who all share the oversight of decommissioning activities in the US.

COMMODITIES

Advising on contracts for the storage of crude oil, petroleum grain, soya and ethanol in Europe and in the Middle East.

SHIPPING

HFW was the only law firm on BIMCO's drafting committee which was responsible for producing clauses dealing with IMO 2020 issues relating to time charterparty contracts. HFW has significant expertise in advising clients on the implications of the MARPOL regulations, the impacts on clients' businesses and contractual relationships, as well as likely enforcement action taken by MARPOL states, and methods of compliance with IMO 2020.

CONSTRUCTION

Acting for a South American subsidiary of a global power company in relation to a US\$300million claim arising out of tunnel collapses forming part of a 120MW hydroelectric power project in South America, which involved an in-depth analysis of geotechnical issues and risk allocation across the project documents.

COMMODITIES

Drafting and advising on a number of spot transaction biomass sale and purchase agreements for an independent producer and trader delivering biomass out of Africa.

CONSTRUCTION

We acted for the EPC contractor in relation to a 15.57MW solar PV plant. We advised on the negotiation and agreement of the EPC contract for the design, procurement and construction of this solar plant in Jordan. This is a complex project split across a number of sites in Jordan, and the contract is subject to Jordanian law.

CONSTRUCTION

Our Construction team has acted for the borrower of funds from the corporation in connection with agribusiness projects. The corporation is responsible for investing A\$10 billion in clean energy projects on behalf of the Australian Government.

COMMODITIES

In early 2019 HFW advised Sucafina SA (Sucafina), who teamed up with partners Rabobank and KPMG, on a major bank financing involving sustainability metrics.

HFW has over 600 lawyers working in offices across the Americas, Europe, the Middle East and Asia Pacific. For further information about our capabilities, please visit www.hfw.com

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