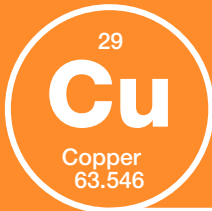




**C L I F F O R D**  
**C H A N C E**

**OUR MINING AND METALS PRACTICE**  
**2023**

# OUR MINING AND METALS PRACTICE



**Projects**

**M&A and Joint  
Ventures**

**Mining  
Infrastructure**

**Commodity  
Financing**

**Restructuring  
and Insolvency**



**Disputes and  
Arbitration**

**Compliance**

**ESG**

**Renewable  
Energy**



**Africa**



**Asia  
Pacific**



**Europe /  
Middle East**



**Latin  
America**

## A FULL SPECTRUM MINING PRACTICE

We have a truly global, cross-discipline team which advises on the full range of mining and metals-related transactions and issues (including disputes and regulatory investigations).

The quality of our team is recognised through our award-winning mandates and our long-standing client relationships. We have a global view and a detailed understanding of the sector, its drivers and competitive landscapes which makes us extremely well-placed to assist our mining and metals clients across the globe.

In addition to the core mining disciplines of project development, construction, financing, commodity trading, M&A and dispute resolution, Clifford Chance's mining team also includes market-leading sanctions, regulatory, ESG and compliance teams. In a world where cost-efficiency is key, our experience of advising on joint ventures, outsourcing and "big data" projects is also an important part of our offering.

### JAMES PAY

Global Co-Head of Mining & Metals, London



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James is a project finance partner who focuses on mining project development and financing, joint ventures and metals offtake and logistics contracts. He works for a range of private equity companies, mining companies and their lenders. He has been involved in high-profile mining transactions in Africa, the Middle East and Europe and has significant experience of negotiating concessions and mining infrastructure agreements with host governments in West Africa. James is interested in developing flexible energy solutions for the mining sector.

### SIMON GREENBERG

Global Co-Head of Mining & Metals, Paris



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Simon is an international arbitration partner with a focus on energy, mining and metals disputes. His recent matters include disputes concerning pricing review and volume commitments under very long-term offtake agreements, mining rights revoked or revised by local authorities (particularly in Africa), legal stabilisation regulations, and mining investments, concerning high grade iron ores and pellet feeds, coal, lithium, copper and cobalt. Simon has published two books and more than 30 articles relating to international arbitration, was Deputy Secretary General of the ICC International Court of Arbitration 2008-2012 and an ICC Court Member 2012-2018. He is fluent and works in both English and French.

### NICOLAS COOKSON

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Nicolas is a project finance counsel who focuses on mining projects and infrastructure development, investment and financing work for a range of mining companies, trading houses and banks. He has been involved in transactions across South America, Africa and Europe whilst based out of London, Paris, Casablanca, Tokyo and Germany. Nicolas is an English Solicitor and French avocat and is fluent in both English and French. He has been closely following the energy transition and its impacts on the mining sector and mining sector players.



# MINING AND METALS PROJECT DEVELOPMENT AND FINANCING

We have a global projects practice that specialises in greenfield project development and asset and offtake financings. We have a strong track record of advising on the procurement and financing of complicated, integrated projects and related infrastructure development in the natural resources sector. Our recent experience of mining and metals project development and financing includes:

- **Guinea Alumina:** advising the lenders in relation to the US\$3.5 billion project financing of the Guinea Alumina project, including integrated mine, refinery and port infrastructure.
- **Katanga Mining:** advising this DRC miner on the development and financing of the latest phase of this copper-cobalt project.
- **BHP:** advising in relation to the development of the Australian polymetallic copper-uranium Olympic Dam Project in South Australia.
- **PT Weda Bay Nickel:** advising the project company on the development and US\$3 billion financing of this world class nickel-cobalt mine and processing plant in Indonesia.
- **Antofagasta:** advising the copper producer on the financing and development of the Los Pelambres copper mine in Chile.
- **Escondida:** advising JBIC on the financing of the Escondida copper mine in Chile.
- **Aluminium Project:** advising lenders to the world's largest integrated aluminium complex (smelter, cast-house and rolling mill) in Saudi Arabia.
- **Ma'aden Phosphate Company:** advising lenders in relation to the development of an integrated phosphate project including related processing plant and infrastructure.
- **Ukraine Steel:** advising EBRD on the financing of the modernisation and environmental upgrade project for Ukraine's largest steel mill.
- **Udokan:** advising Baikal Mining Company on the equipment supply, technology and construction contracts relating to the development of the world's third largest copper deposit in the Russian Federation.

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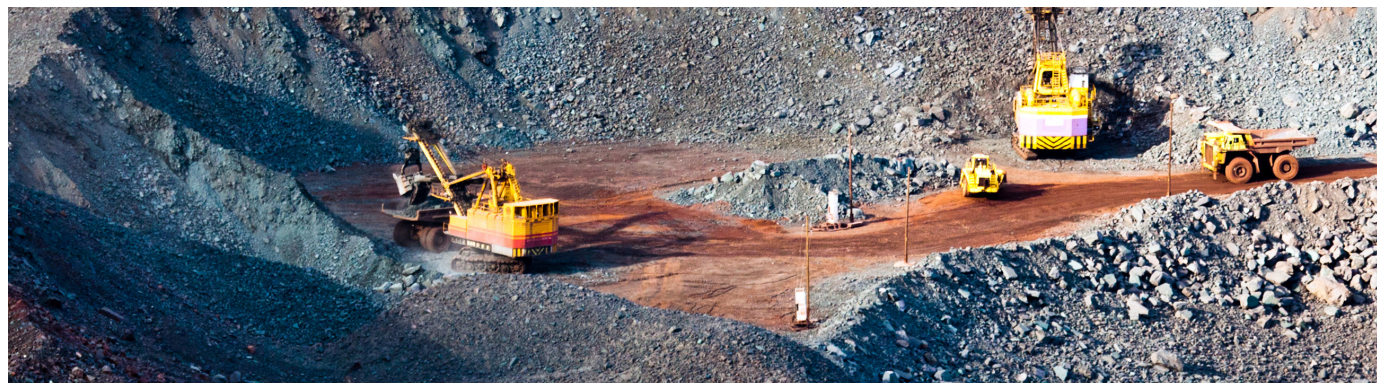
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# M&A AND JOINT VENTURES

## Our experience of M&A and joint ventures includes:

- **Kingspan:** advising Kingspan on signing an agreement to acquire the Steel division of TeraPlast Group.
- **Goldman Sachs Asset Management:** advising on its acquisition of the sponsorship of Perth Mint Physical Gold ETF (AAAU), which will expand its US\$19 billion Exchange-Traded Fund (ETF) platform.
- **Mubadala Investment Company and Trafigura:** advising on the US\$1.865bn sale of Minas De Aguas Tenidas SA to Sandfire Resources.
- **Sibanye-Stillwater:** advising the multinational precious metals company on the proposed acquisition of Eramet Sandouville SAS from the Eramet group.
- **Sibanye-Stillwater:** advising on its acquisition of mining companies Mineração Vale Verde and Atlantic Nickel from Appian Capital for US\$1 billion.
- **British Steel:** advising the Official Receiver and Special Managers on the sale of British Steel to Jingye Iron & Steel.
- **Eramet:** advising the French multinational mining and metallurgy company on the sale of an interest in Weda Bay Nickel to Tsingshan Steel.
- **Eramet:** advising the French multinational mining and metallurgical group on the sale of TiZir Titanium & Iron AS.
- **Nova Resources B.V:** advising the company owned and controlled by a consortium of investors on its £4bn take private offer for KAZ Minerals PLC.
- **Cristal:** advising the titanium dioxide producer on the completion of its cross-border sale to Tronox.
- **Russian Platinum:** advising one of the leading Platinum Group Metal producers in the world on its joint venture with Norilsk Nickel.
- **Mitsubishi:** advising Japan's largest trading company on its US\$5.4 billion acquisition from Anglo American of a 24.5% stake in Anglo American Sur, and its subsequent disposal of 4.06% of this stake to Codelco and Mitsui.
- **Antofagasta:** advising the Chile-based mining group on its US\$1 billion acquisition of 50% of the Zaldivar copper mine from Barrick Gold.
- **Aluminum Corporation of China (Chinalco):** advising the state-owned enterprise on the proposed acquisition of the US\$5.85 billion Las Bambas copper mine project in Peru.
- **Pala Investment:** advising the investment company on its proposed acquisition of a 50% interest (via equity and debt) in two Spanish tungsten mines.
- **Arvedi:** advising Arvedi in a competitive auction process for the acquisition of Thyssenkrupp's ATS stainless steel plant in Italy.

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# MINING AND METALS INFRASTRUCTURE

## Our experience of advising clients in relation to mining and metals infrastructure includes:

- **North West Infrastructure:** advising NWI in relation to the development of a new 50 million tonne per annum iron ore export port in Western Australia.
- **Impala Terminals:** advising a private equity group in relation to the purchase of a major interest in the global Impala Terminals business including related polymetallic throughput contracts.
- **PT Kereta Api Borneo:** advising the project company on the development of a 190km railway and associated coal export terminal in Indonesia.
- **Colombian Nickel:** advising the lenders to the financing of an infrastructure and smelter upgrade project for Cerro Matoso S.A.
- **Vessel Financing:** advising the lenders on a wide range of vessel financings including K-Sure backed financing of multiple Capesize and Valemax (VLOC) vessels for Vale.
- **Uralkali:** advising on the acquisition of a stake in a port terminal in Antonina, Brazil to be used for bulk potash exports.
- **Port modernisation:** advising the Far East Development Fund on the financing of a coal conveyer and export port modernisation project.
- **Eramet:** advising the developers in relation to the Weda Bay Nickel project, including in relation to the related processing plant road, airport and export port infrastructure.
- **Al Taweelah Alumina Refinery:** advising Emirates Global Aluminium on the process technology and construction contracts relating to the development of the 2 million tpa refinery in the UAE.

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## COMMODITY FINANCING AND OFFTAKE

**We have a global commodity financing practice that advises producers, trading companies and lenders across a full spectrum of resources. Our recent experience includes:**

- **Bahrain Steel:** advising the direct reduction grade iron ore pellet producer on its 20 year, US\$15 billion purchase of pellet feed supply from Anglo American's Minas-Rio mine in Brazil.
- **Glencore:** advising a syndicate led by National Australia Bank on a US\$560 million syndicated cross-border base metal borrowing for Glencore.
- **Nyrstar:** advising a coordinating committee led by Deutsche Bank in relation to the restructure of the Nyrstar Group, including new international cross border multi-commodity backed facilities.
- **Gold Corporation:** advising Gold Corporation of Western Australia in relation to precious metal leasing facilities and storage arrangements for various central banks.
- **Trafigura:** advising a syndicate led by ING Bank in relation to a US\$1.8 billion uncommitted cross-border secured metal concentrates borrowing base facility for Trafigura.
- **Fortescue Metals Group:** advising a syndicate of banks led by Deutsche Banks and ING in relation to a US\$890 million iron ore prepaid offtake agreement by Glencore.
- **Polyus Gold:** advising the arrangers on a US\$3.6 billion margin loan acquisition facility in connection with the sale by Onexim Group of its stake in Polyus Gold International, Russia's leading gold producer.
- **Volcan Peru:** advising the arrangers on a US\$90 million secured cross-border aluminium and zinc financing for Volcan Peru SA (winner of Trade Finance magazine's trade deal of the year).
- **Tenaga:** advising the arrangers on US\$120 million Islamic murabaha PFX facility for Tenaga (for the import purchase of copper).
- **Metal Portfolio Financing:** advising a leading trading house on a US\$500 million medium term funding of its metals portfolio by way of a securitised note issuance secured on metal(s) inventory subject to repurchase agreements.
- **Metal Streaming and Royalty Facilities:** advising a number of lenders and corporates in relation to the structuring and commercial terms of streaming and royalty agreements in the mining sector.

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# RESTRUCTURING AND INSOLVENCY

**Our leading international restructuring and insolvency team supports clients in relation to financially stressed situations across the entire credit spectrum, ranging from challenging refinancings to non-consensual enforcement.**

**Our recent experience includes advising:**

- **GFG:** advising GFG in relation to the implications of the collapse of Greensill Bank on their steel production facilities in the Czech Republic, Belgium and Romania and related financing issues..
- **Nyrstar:** advising the coordinating committee of lenders in relation to the restructuring of Nyrstar.
- **RUSAL Group:** advising the coordinating committee of lenders in relation to the amendment and restructuring of facilities made available to the RUSAL Group, a Russian metals and minerals producer, which has total indebtedness of approximately US\$15 billion.
- **British Steel:** advising the Official Receiver and Special Managers of British Steel on all aspects of British Steel's liquidation, including the proposed sale of the business and assets to Jingye Iron & Steel.
- **Mongolian Mining:** advising BNPP, Industrial and Commercial Bank of China Limited and ICBC (London) plc in relation to their exposure to Mongolian Mining Corporation (a Cayman Islands company listed in Hong Kong) in Mongolia.
- **Bumi Resources:** advising two lender syndicates on exposure to PT Bumi Resources Tbk, the Indonesian coal mining company, and on the proposed (ongoing) restructuring of Bumi's indebtedness of US\$4 billion. This is one of the largest and most high-profile Asian restructurings of recent years.
- **Donetsksteel:** advising the syndicate of lenders with respect to the circa US\$1 billion debt restructuring of Donetsksteel – Iron and Steel Works, Ukraine's largest producer of hard coking coal.
- **Noble:** advising a financial institution in connection with its role as a senior creditor and new trade finance provider to Noble Group in relation to a complex, cross-border restructuring.
- **Celsa UK:** advising the lenders to Celsa UK on its restructuring/refinancing.
- **MetInvest:** advising the coordinating committee representing 26 banks in connection with the circa US\$3 billion debt restructuring for MetInvest.
- **Samarco Mineração:** advising Samarco Mineração S.A. (one of the largest producers of iron pellets in the world) in connection with the potential restructuring of approximately US\$4 billion of debt.

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# GLOBAL DISPUTE MANAGEMENT AND INTERNATIONAL ARBITRATION

Our global mining arbitration practice supports mining firms and other stakeholders with expert dispute avoidance and dispute resolution advice wherever in the world they operate. The team represents parties in investment treaty and contractual arbitrations before all of the major international arbitral institutions. The world renowned arbitration team capitalises on the strength of our firm's broader mining practice. Our recent experience includes advising:

- **Mining investment company:** advising a mining investment company in a pending ICC arbitration and potential parallel treaty claim against an African state authority arising from the latter's breach of a resource exploitation joint venture agreement and the African State's purported revocation of an exploitation permit.
- **Major global mining company:** advising a major global mining company concerning a potential ICSID arbitration arising from the breach by an African state of stabilisation provisions in a mining code. Claims are at least several billion dollars.
- **Middle Eastern steel company:** representing a Middle Eastern steel company in a major LCIA arbitration concerning price review and disputes over volume commitments in a 20-year offtake contract for high grade iron ores. The total claim value is estimated at over US\$ 6 billion.
- **Cortec Mining v Kenya (ICSID Case No. ARB/15/29):** representing the investor in a major pending bilateral investment treaty dispute concerning the revocation of a mining licence for Mrima Hill, near Mombasa. Mrima Hill is home to the third largest undeveloped rare earth deposit in the world and is an asset of strategic significance to Kenya.
- **Tantalum International v Egypt (ICSID Case No. ARB/18/22):** representing a mining company in ICSID arbitration concerning measures taken by Egypt against Tantalum's investments in a tantalum, niobium, feldspar, quartz and alluvial tin mining project. ICSID claim under a bilateral investment treaty.

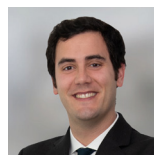
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# RISK, COMPLIANCE AND INVESTIGATIONS

## Our recent compliance experience includes:

- **Large mining company:** representing on a range of advisory work, including preparation of a global anti-bribery programme and advice relating to a joint venture and retention of business consultants in Asia Pacific.
- **International commodities trading:** assisting in conducting an internal investigation into a possible breach of compliance in security matters surrounding the death of an intruder on their site.
- **International producer and marketer of commodities:** conducting an investigation into a whistleblowing report alleging potential price collusion between competitors during a tender.
- **International commodities trading company:** conducting a review of Australian whistleblowing legislation, and assisting with drafting a new global whistleblowing policy.
- **International commodities trading company:** conducting an investigation into a series of whistleblowing reports relating to the arrest and detention of an expat employee by the African authorities.
- **International producer and marketer of commodities:** conducting an independent investigation in relation to an incident that occurred at a Latin American operation, involving conflict between local community members and personnel working at the operation.
- **International commodities trading company:** conducting an investigation in respect of potential breaches of company policies and procedures regarding third party payments, petty cash and expenses for the Colombian trading office.
- **International commodities trading company:** advising on an investigation into whistleblowing reports relating to the arrest and detention of an expat employee by the authorities, and allegations of bribery and anti-competitive behavior.
- **International producer and marketer of commodities:** advising in a high-profile criminal investigation commenced by a Chinese local Customs official for alleged smuggling of solid waste.

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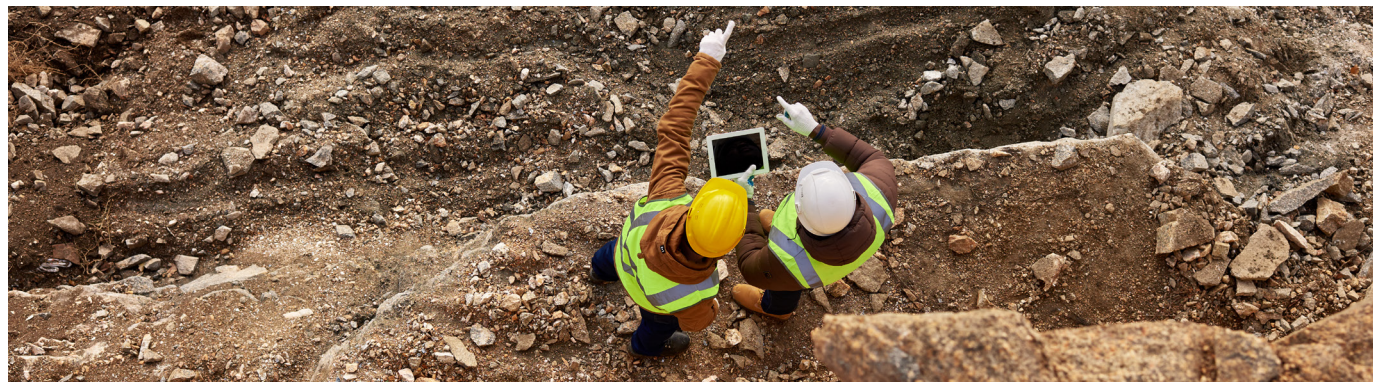
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# ESG – SUSTAINABILITY IN THE MINING & METALS SECTOR

**Our relevant experience includes advisory, transactional, risk management and dispute resolution mandates across the full range of Environmental, Social and Governance issues and all stages of a business' lifecycle.**

- **Extractives sector company:** advising on multiple issues concerning implementation of its sustainable business policies, including with respect to operations in challenging jurisdictions with weak governance, conflict or community unrest, and security and human rights issues.
- **Major energy supply company:** advising on questions of human rights and climate change.
- **Multiple extractive sector clients:** advising on M&A, project and investment due diligence assessing human rights risks including Indigenous Peoples' rights, land acquisition and use, access to and exploitation of natural resources. Advising on transparency and reporting/disclosure and on responsible divestment strategy.
- **The Government of the Republic of Zambia:** advising on the drafting of provisions of the Government and Privatisation (Amendment) Bill allocating environmental responsibility and risk in relation to Zambian Copper Mines.

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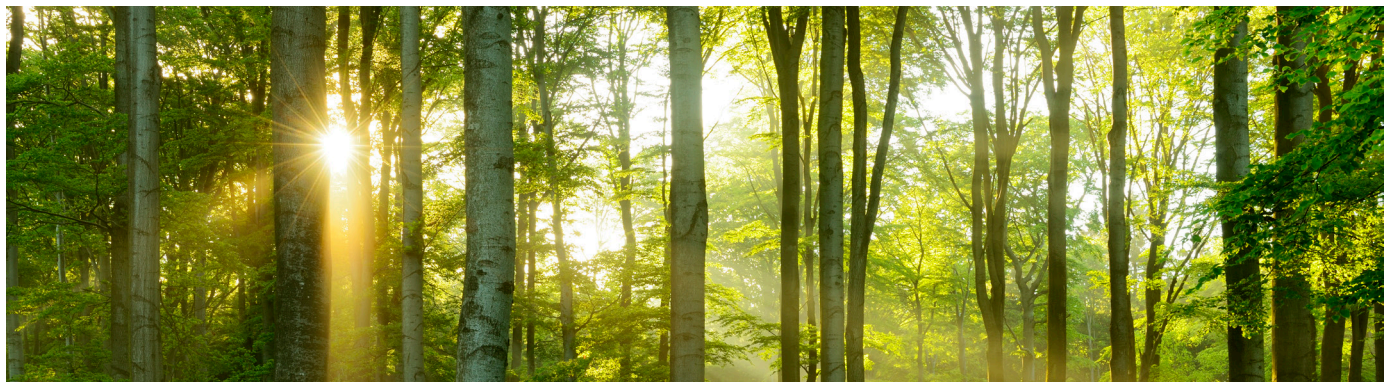


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- **CDX Gas:** advising on the regulatory framework and the environmental consents required for a coal bed methane project in the UK.
- **Financial institution:** advising on the application of EU REACH chemicals legislation to trading in certain metals.
- **Multinational extractive and manufacturing company:** advising on the design and implementation of a human rights impact assessment aimed at assessing the conformity with the UN Guiding Principles on Business and Human Rights and other relevant international standards.
- **Mining company:** advising on the design and implementation of supply chain diligence processes taking account of OECD guidance and other international standards; developing contractual frameworks for modern slavery, labour and other human rights risks; advising on artisanal mining and child labour issues and on conflict minerals.
- **Brazilian Green Bond:** advising on green bonds where the proceeds of the bonds will be used for eligible projects that drive sustainable forest management, clean transportation and energy efficiency.
- **Royal Dutch Shell:** advising on US \$10 billion sustainable facility, with interest and fees on the facility linked to Shell's progress towards reaching its Net Carbon Footprint intensity target.





## MINING, METALS AND RENEWABLE ENERGY

We have a market-leading global renewable power practice and increasingly are advising power suppliers and mining clients in relation to the development of renewable energy solutions for the mining and metals sectors, including:

- **Chichester Power Project:** advising the power company on this landmark energy project which will integrate an existing dual-fuel power station, a 30MW battery and a new 60MW PV plant – a world first solar-battery-gas hybrid – with Fortescue Metals Group as the power offtaker.
- **Sierra Leone:** advising the developer of a major hydro-electric power project in relation to power supply to iron ore projects.
- **Corporate PPAs:** advising a major green power generator in relation to corporate PPA structures and standard contract terms for both synthetic and physical renewable power purchase agreements.
- **Vale:** advising the iron ore major in relation to the redevelopment and expansion of a hydro-electric power project in Liberia in connection with iron ore exports through that country.
- **Australian off-grid solutions:** advising Western Power on off-grid integrated solar, battery and diesel stand-alone power systems.
- **Alinta Energy:** advising the renewable generator in relation to power offtake disputes with the Roy Hill iron ore mine.
- **Sovereign Wealth Fund:** advising the fund on fundraising for investment in clean energy projects and sustainable resource production.
- **Norsk Hydro:** advising the lenders to a 650MW Swedish wind farm with a Norsk Hydro aluminium smelter corporate PPA.
- **Battery Metals:** advising a major metals producer on a joint venture to develop a large scale battery metals refinery in Indonesia

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## BATTERY METALS

**We offer a one-stop-shop with expertise and full-service capabilities at every stage in the value chain, from raw material supply through to battery recycling. We can advise across all of the critical workstreams that may arise – including project finance, corporate/M&A, regulatory, real estate, employment and antitrust advice.**

- **Tesla** on all issues related to the development and financing of its “Gigafactory 4” in Germany, where Tesla plans to build and operate its first European factory for cars, powertrains and batteries, including permitting, construction, project and supply agreements, state aid, and real estate.
- **Huatai Securities Company Limited** on the US\$1.3 billion global initial public offering of H Shares and listing of leading EV battery manufacturer CALB Co., Ltd. (“CALB”) on the main board of the Hong Kong Stock Exchange. Jiangsu-based CALB is among the largest EV battery suppliers in China
- the joint sponsors **Morgan Stanley, CICC** and **CMBI**, and the joint global coordinators including **BNP Paribas** and **Credit Suisse** on **Tianqi Lithium Corporation’s** US\$2 billion (after greenshoe) initial public offering and listing on the

mainboard of the Hong Kong Stock Exchange. This was the largest Hong Kong IPO in 2022

- **Eramet** in relation to its joint venture with BASF to produce and offtake battery metals from the Weda Bay deposit in Indonesia
- **Gelion** in relation to its joint venture with a technology provider in relation to zinc-bromide battery technology
- an **international geothermal and clean energy company** on its acquisition of a 720MWac PV solar farm and 200MW/400MWh battery energy storage system in New South Wales
- a **European and Japanese joint venture** in connection with “in front of the meter” storage projects in the Netherlands
- an **investor** in respect of its purchase of a portfolio of electricity generating and storage assets for the capacity market in the UK, including the procurement of battery storage assets
- **Nord/LB** on the financing of a 13MW PV solar plant and 5.4mw lithium battery fringe-of-grid project (with ARENA grant funding) in Queensland, *Australia Asia Pacific Solar Deal of the Year 2016, IJ Global Asia Pacific Awards*

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## BATTERY METALS (CONT.)

- the power company on the landmark energy project, the **Chichester Power Project**, which will integrate an existing dual-fuel power station, a 30MW battery and a new 60MW PV plant – a world first solar-battery-gas hybrid – with Fortescue Metals Group as the power offtaker
- the Western Australian utility, **Western Power**, on off-grid integrated solar, battery and diesel standalone power systems and on grid-embedded batteries
- **Innogy SE's** takeover of the German solar energy and battery/energy storage specialist BELECTRIC Solar & Battery Holding GmbH
- **Globeleq** and its joint venture partner on the development of a 150 MW solar and battery scheme in Ghana. This will be the first battery installation in Ghana and one of the first in West Africa
- **the DFI lenders** on the financing of the the Cuambagreenfield solar PV with an add-on battery power storage project in Niassa, Mozambique
- the **developer** in connection with the development of a utility scale solar PV plant with a battery energy storage system at Teranga, Senegal.
- the **lenders** in relation to Projects Coega and Hydra, PV and battery storage projects in South Africa.
- the **lenders** in relation to the financing of a large Gigafactory in Europe
- a **major technology provider** in connection with a number of projects forming part of the UK National Grid's tender for 200MW of enhanced frequency response.
- **IDB Invest** on the financing to Neoen SA for two battery storage projects with a total capacity of 11MW and 8 MWh to be installed at the existing Capella and Providencia solar plants in El Salvador.
- **US Dept of Energy** on a US\$102 million loan for the expansion of graphite battery anode production facility for Syrah Technologies (a subsidiary of Syrah Resources (ASX: SYR)).
- a **major car manufacturer** on a lithium hydroxide offtake and tolling agreement with a Chinese producer.
- a **Mauritian mining company** in an ICC arbitration against the National Mining Company of an African State, the dispute concerning a globally significant lithium tenement
- a **junior mining company** in relation to disputes arising with an African State, concerning a globally significant lithium and tantalum tenement
- **Volkswagen** on the establishment of a Gigafactory joint venture with Northvolt, for the development and production of CO2-optimized lithium-ion batteries.
- on the financing of the development of **two EV lithium-ion battery manufacturing facilities** which will supply US automotive OEMs.
- on the financing of the development of a critical mineral processing facility which will supply **US EV lithium-ion battery manufacturers**.
- **EIB** on a loan to LG Chem Wrocław Energy for the construction and operation of manufacturing facilities for advanced lithium-ion cells and battery modules for application in battery-powered vehicles.
- **Johnson Matthey** on the acquisition of Axion Holding, a manufacturer of lithium-ion battery systems.





# OTHER MINING AND METALS KEY CONTACTS

## Africa Practice



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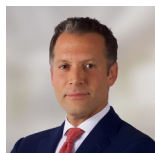
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