

EVERSHEDS  
SUTHERLAND



## **Offering global protection**

An experienced partner for  
your mining, natural resources  
and infrastructure business



# How can we help you?

With years of experience working with a broad range of stakeholders across the life cycle, from extraction through to beneficiation and infrastructure development, we can help you successfully navigate any and every situation. We adopt an integrated, multi-disciplinary approach that both anticipates changes to the landscape and provides responsive practical solutions on issues including:

- applications for prospecting and mining rights
- applications for environmental authorisations (environmental, water, waste, air, etc.)
- health and safety (including representation at inquiries and investigations under the Health and Safety Laws)
- advice in relation to compliance initiatives from the regulators
- Black Economic Empowerment and compliance with Indigenisation Laws
- corporate and commercial
- mergers and acquisitions
- compliance auditing
- health, safety and environmental training and awareness
- defence of criminal prosecutions initiated by the regulators
- employment Law (including industrial action, community activism and related)
- lobbying activities associated with new and existing legislation
- implementation of health and safety structures and appointments in compliance with Health and Safety Laws
- contractor engagement and management
- renewable energy
- financing of projects
- off-take, security and related arrangements
- escrow arrangements
- anti-bribery and corruption
- human rights and modern slavery





# Our relevant experience includes:



## Mining

- representing an African community investment company in six separate high-profile mine fatalities - this included regulatory matters, an inquiry in terms of the MHSA, civil and criminal matters
- representing a global mining and metals company in a claim by an ex-coal mine worker for occupational lung disease
- advising a JSE-listed coal development and operating company in relation to various off-take, transport and sale of product for domestic and international markets
- advising a global commodity trading company in Singapore in relation to acquisition of product, transportation, storage, port and related aspects
- advising a major producer and marketer of commodities in South Africa in relation to security of supply of product and related aspects
- advising a South African mining company on securing infrastructure in relation to supply chain to end user of product
- advising a South African mining company in Mpumalanga in relation to the collapse of a Crown Pillar. This included advice in relation to business rescue, various funding arrangements and governmental investigations and inquiries
- successfully assisting clients in dealing with the issuing of Section 54 instructions to halt mining operations as well as instructions issued in terms of Section 55 of the MHSA
- assisting clients in making representations to the Department of Mineral Resources in respect of the imposition of administrative fines and, where appropriate, seeking the review and setting aside of these fines
- providing mining related advice (in terms of the MHSA and MPRDA) to business rescue practitioners and mining clients who have been placed under business rescue or their creditors
- representing employees of various major mining companies in South Africa in criminal prosecution cases, resulting from fatal accidents at the mines



## Environmental

- advising a global producer and supplier of metals in relation to various environmental and compliance aspects at its Metalloys operations, including replacement of pelletising plant with agglomeration technology
- successfully defending a South African mining company in objections against proposed mining operations at a Colliery in Mpumalanga by environmental and tourism agencies
- defending a multi-disciplinary construction and engineering group against attempts made by regulators to shut the asphalt plant, and associated litigation (appeals, objections and reviews). This matter includes the full spectrum of compliance with environmental laws, administrative law and criminal law
- advising a South African mining company with its environmental compliance and regulatory work
- advising an international steel manufacturer in relation to disposal of shareholding to the IDC, environmental compliance and engagement with the regulators
- advising a global mining and metals company on various environmental and compliance matters including management of waste facilities on its various collieries, the application of the National Environmental Management: Protected Areas Act to its collieries, the issuing of various compliance notices by the Department of Environmental Affairs, and related aspects





## Offering global protection

An experienced partner for your mining, natural resources and infrastructure business



### Employment

- advising a coal mining company in South Africa on strike management
- advising an investment holding company in South Africa on strike management and dismissals
- representing and advising a major coal mining company on bargaining disputes
- representing and advising a South African mining company on collective bargaining disputes



### Water

- representing and advising a South African mining company in respect of a court application by the Lawyers for Human Rights, for access of water related information of a client held by the Inkomati Catchment Management Agency, in terms of the Promotion of Access to Information Act 2 of 2002
- reviewing a water use licence for a South African coal and energy export company and advising on the extent and conditions of the licence relating to the storage, abstraction and discharge of water from geohydrologically connected mining operations



### Oil and gas

- providing advice and litigation support from an upstream regulatory perspective relating to exploration, exploitation, licensing, health, safety and environmental issues



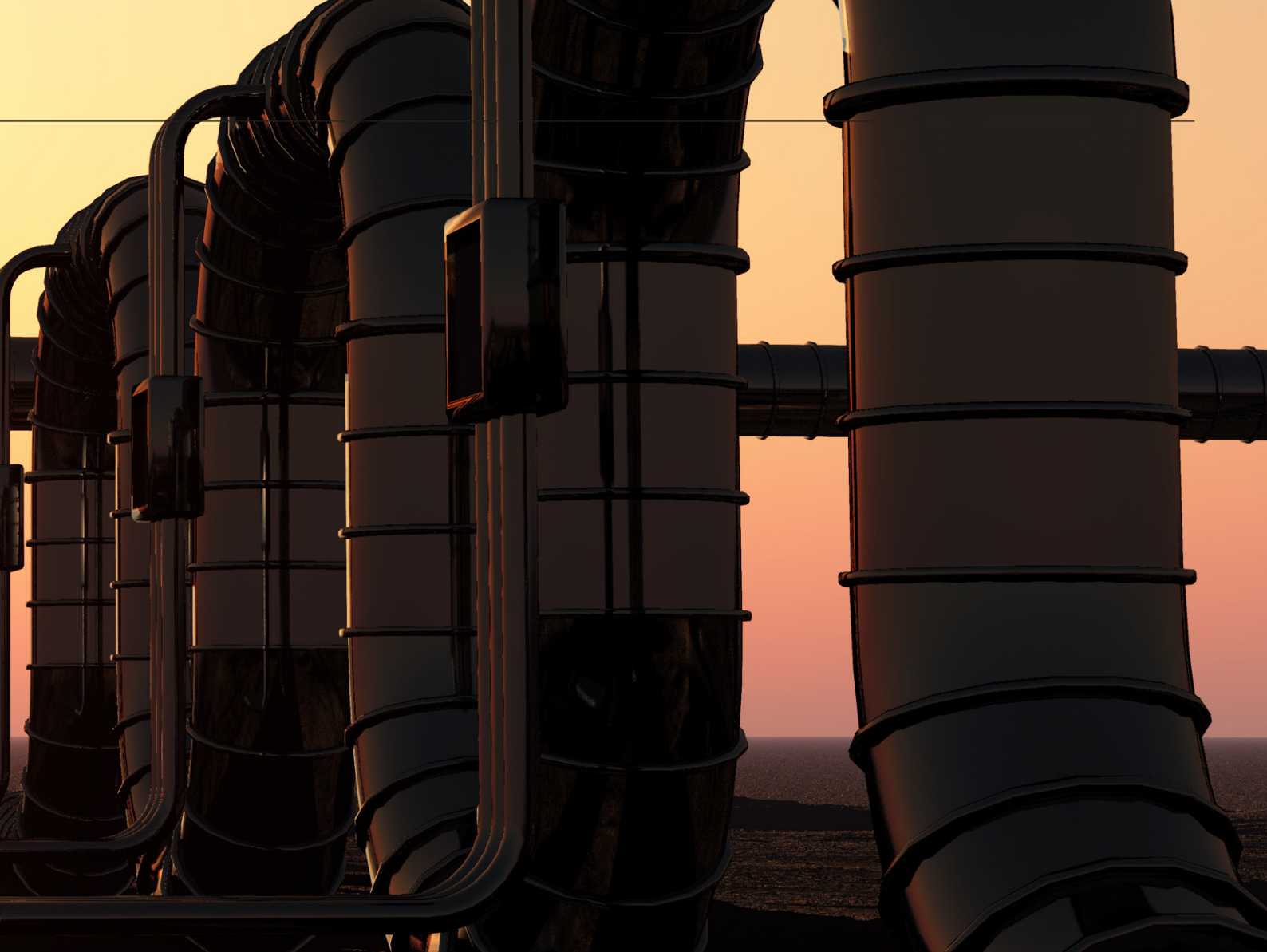
### Nuclear

- providing advice and support in relation to licensing of nuclear facilities



### Commercial / mergers and acquisitions

- advising an investment holding company with its listing on the Stock Exchange of Mauritius
- acting for an international energy and commodities company on a prepaid offtake transaction for coal
- advising a commodities trading business in South Africa in a transaction where i) the client would develop a coal wash plant and wash certain coal on behalf of an international mining and metals company and ii) the client would purchase coal to be washed at its plant, to be sold to third parties



## Project finance

- advising an international engineering and project management consultancy company, as operator, in relation to its tender submission for the Western Cape Department of Transport and Public Works' Accommodation PPP
- advising an independent power and renewable electricity producer in respect of the engineering, procurement and construction, and operation and maintenance of a 74MW photovoltaic facility located in Sishen, South Africa, in the Department of Energy's IPP Procurement Programme
- advising a private company in respect of the engineering, procurement and construction, and operation and maintenance of a 135.5MW wind power generation facility located in Gouda, South Africa, in the Department of Energy's IPP Procurement Programme
- advising an energy company in Africa in respect of the 210MW Open Cycle Gas Turbine electricity generation facility in the Kilwa District, Tanzania





# Why work with us?



**68**  
offices



**34**  
countries


**3,000+**  
lawyers



**750+**  
partners

**5,000**  
people



- 
- **Global reach** – we offer the best of both worlds in terms of lawyers who are committed locally but connected globally. Our affiliation with Eversheds Sutherland International enables our clients to have access to a global network of lawyers, especially in Africa through our membership with the Eversheds Sutherland Africa Alliance (ESAA). This is an innovative network created to share knowledge among member law firms to promote the development of law and client service excellence on the African continent.
  - **Client centred** – we look after our clients' interests as if they were our own. We are relationship lawyers and trusted advisors who take a forward thinking approach to service delivery.
  - **Transparency** – we are always open with you about your costs and strive to provide cost certainty.
  - **Dependable advice** – our team delivers strategic thinking when you need it the most.
  - **Time conscious** - we recognise that responding to the agreed deadlines is critical.
  - **Knowledge** - you will be dealing with experienced lawyers who will always want to get to know your business and your priorities.

# Global reach

## US

Atlanta  
Austin  
Chicago  
Houston  
New York  
Sacramento  
Washington DC

## Africa

**South Africa**  
Durban  
Johannesburg  
**Tunisia**  
Tunis

**Mauritius**  
Port Louis



## Europe

**Austria**  
Vienna

**Belgium**  
Brussels

**Czech Republic**  
Prague

**Estonia**  
Tallinn

**Finland**  
Hämeenlinna  
Helsinki  
Jyväskylä  
Tampere  
Turku

**France**  
Paris

**Germany**  
Berlin  
Düsseldorf  
Hamburg  
Munich

**Hungary**  
Budapest

**Ireland**  
Dublin

**Italy**  
Milan  
Rome

**Latvia**  
Riga

**Lithuania**  
Vilnius

**Luxembourg**  
Luxembourg City

**Netherlands**  
Amsterdam  
Rotterdam

**Poland**  
Warsaw

**Romania**  
Bucharest

**Russia**  
Moscow  
St Petersburg

**Slovakia**  
Bratislava

**Spain**  
Madrid

**Sweden**  
Stockholm

**Switzerland**  
Berne  
Geneva  
Zurich

**United Kingdom**  
Belfast  
Birmingham  
Cambridge  
Cardiff  
Edinburgh  
Ipswich  
Leeds  
London  
Manchester  
Newcastle  
Nottingham

## Asia

**Singapore**  
Singapore

**Brunei**  
Brunei Darussalam

**China**  
Beijing  
Hong Kong  
Shanghai

## Middle East

**Iraq**  
Baghdad  
Erbil

**Jordan**  
Amman

**Qatar**  
Doha

**Saudi Arabia**  
Riyadh

**United Arab Emirates**  
Abu Dhabi  
Dubai

# What happens next?

For more information, please contact:



**Warren Beech**

*Head of Mining and Infrastructure, Partner*

**T:** +27 (0) 10 003 1455

**M:** +27 (0) 83 656 6584

[warrenbeech@eversheds-sutherland.co.za](mailto:warrenbeech@eversheds-sutherland.co.za)



**Nicholas Veltman**

*Partner*

**T:** +27 (0) 10 003 1477

**M:** +27 (0) 83 301 9892

[nickveltman@eversheds-sutherland.co.za](mailto:nickveltman@eversheds-sutherland.co.za)



**Themba Khumalo**

*Partner*

**T:** +27 (0) 10 003 1460

**M:** +27 (0) 82 407 0063

[thembakhumalo@eversheds-sutherland.co.za](mailto:thembakhumalo@eversheds-sutherland.co.za)



**Eben van Zyl**

*Senior Associate*

**T:** +27 (0) 10 003 1459

**M:** +27 (0) 71 361 2410

[ebenvanzyl@eversheds-sutherland.co.za](mailto:ebenvanzyl@eversheds-sutherland.co.za)



**Refiloe Vengeni**

*Senior Associate*

**T:** +27 (0) 10 003 1458

**M:** +27 (0) 72 651 5790

[refiloevengeni@eversheds-sutherland.co.za](mailto:refiloevengeni@eversheds-sutherland.co.za)

**eversheds-sutherland.com**

© Eversheds Sutherland 2019. All rights reserved.  
Eversheds Sutherland (International) LLP and Eversheds Sutherland (US) LLP are part of a global legal practice, operating through various separate and distinct legal entities, under Eversheds Sutherland. For a full description of the structure and a list of offices, please visit [www.eversheds-sutherland.com](http://www.eversheds-sutherland.com)  
DTUK002416\_06/19