



Exploitation minière

L'instabilité des conditions économiques se fait souvent sentir à l'entrée de la mine bien avant qu'elle ne soit inscrite au bilan ou à l'ordre du jour des conseils d'administration des entreprises. Nous sommes impliqués aux côtés de nos clients afin de les accompagner dans les meilleures conditions dans leurs besoins d'adaptation constante aux mutations cycliques du marché mondial des matières premières. Nos solutions innovantes leur permettent ainsi de faire face efficacement à ces défis majeurs et de saisir les opportunités qui se présentent.

De la création à la cession ou à la fermeture de site, notre équipe dédiée au secteur minier est en mesure de délivrer une solution juridique complète, depuis les questions opérationnelles courantes jusqu'aux opérations et arbitrages internationaux majeurs.

Nos avocats connaissent précisément les systèmes juridiques locaux, les acteurs clé et le marché et comprennent la façon dont les diverses composantes d'un projet s'articulent entre elles. Notre approche globale du développement de projets nous permet de proposer une évaluation équilibrée tenant compte des intérêts du projet dans son ensemble. Nous pouvons vous assister dans l'identification, l'analyse, la négociation et la structuration de la documentation du projet puis dans le maintien de l'efficacité dès que le projet est opérationnel.

Nous développons des solutions innovantes à certaines des problématiques les plus complexes et les plus importantes auxquelles font face actuellement les entreprises du secteur minier. Les projets développés, s'ils sont non seulement importants d'un point de vue financier, ouvrent surtout de nouvelles perspectives juridiques quant au traitement des questions délicates qu'ils soulèvent, telles que l'accès des tiers aux infrastructures, aux contrats et aux concessions publics.

L'exploitation minière est un secteur véritablement mondial et nous sommes en mesure de fournir une assistance géo localisée, ainsi que l'expérience et les compétences que nécessitent ce secteur.

Nous proposons un accompagnement de spécialistes du secteur minier et des

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AUTRES COMPÉTENCES

- Mergers and Acquisitions
- Projects, Energy and Infrastructure
- Real Estate
- Environment, Health and Safety

minerais dans les principales régions minières du monde, y compris sur les marchés émergents d'Afrique, d'Amérique latine, d'Asie et du Moyen-Orient, ainsi que sur les marchés plus matures d'Australie, d'Amérique du Nord et d'Europe.

AUTRES SECTEURS

- Energie

Notre implantation internationale nous permet de bénéficier des forces et connaissances locales essentielles pour conseiller nos clients sur des problématiques juridiques, culturelles et politiques précises, où qu'elles surviennent.

Pour nos clients dont les projets se déploient sur plusieurs pays ou continents, nous mettons à disposition un interlocuteur unique capable de coordonner la réalisation des missions juridiques sur tous les projets, avec leurs équipes internes.

Notre approche pluridisciplinaire du secteur apporte à nos clients une assistance rapide et rentable. Quelle que soit la nature de vos besoins légaux ou commerciaux, vous pouvez compter sur nos connaissances précises, notre expérience et notre savoir-faire.

Voici une sélection de nos clients :

Entreprises minières

- Anglo American
- BC Iron
- China Coal
- Coeur Minin
- Ferrous Resources
- Fortescue Metals Group
- Newmont Mining Corporation
- Norilsk Nickel
- Rio Tinto
- Xstrata

Financiers / Investisseurs

- Crédit Suisse
- Macquarie

Exploitants / Acquéreurs

- Baosteel
- Sinosteel
- Lafarge
- Mitsubishi
- Sibelco/Unimin
- Arcelor Mittal
- Tata Steel
- POSCO
- Marabani
- Sinopec

Fournisseurs

- POSCO E&C
- STX
- Bristow Helicopters

Gouvernement

- Gouvernement de Guinée
- État d'Australie-Occidentale

- Gouvernement de l'Ouganda
- Gouvernement du Kazakhstan

Case studies

- Lorsque le Ministère indien du Désinvestissement et Coal India Limited (le plus grand producteur de charbon au monde) ont envisagé une introduction en bourse, nous avons été choisis au terme d'une procédure de sélection officielle réunissant plus de six cabinets d'avocats internationaux. L'opération a généré 3,43 milliards de dollars US, ce qui en fait la plus importante introduction en bourse dans l'histoire des marchés financiers indiens et la troisième plus importante dans le monde en 2010.
- Nous assistons la joint venture Australian Premium Iron sur l'ensemble des aspects de développement du Projet de Minerai de Fer de West Pilbara, comprenant l'aménagement de trois nouvelles mines de fer, 350 km de réseau lourd de transport ferroviaire et un nouveau port en eau profonde à Anketell Point.
- Notre solide expérience en financement d'opérations minières nous a permis de représenter une grande banque dans le cadre du financement du développement, de la construction et de l'exploitation d'une usine de concentration du minerai de fer aux États-Unis. Ce financement a été structuré sous la forme d'un financement de projet pleinement garanti et les couvertures des matières premières ont constitué une part importante de l'opération, l'emprunteur ayant l'obligation de se couvrir contre les fluctuations du prix du concentré de minerai de fer sur une durée pluriannuelle afin de garantir que les revenus d'exploitation soient suffisants pour couvrir le service de la dette.
- Une équipe transfrontalière de Paris, Perth, New York et Bruxelles assiste le Gouvernement de Guinée dans la revue des conventions et titres miniers accordés par les précédents gouvernements ainsi que sur la renégociation des concessions et conventions conformément au nouveau Code minier.
- Nous avons conseillé Lloyds Banking Group sur la restructuration de la dette et du capital de UK Coal plc (rebaptisée Coalfield Resources plc). L'échec d'une opération de sauvetage aurait abouti à la mise sous redressement judiciaire de la société, à la fermeture des mines, à la perte de 2 500 postes et à imposer un effort supplémentaire au contribuable. En étroite collaboration avec l'équipe de Lloyds, nous avons atteint l'objectif visé : la scission des activités du groupe en nouvelles divisions et la neutralisation des engagements de retraite existants s'élevant à 400 millions de livres Sterling.
- À la suite d'une panne de l'exploitation minière en Indonésie, les réassureurs nous ont mandatés pour gérer une demande d'indemnisation s'élevant à 500 millions de dollars US. Cette affaire a finalement été réglée dans des conditions très avantageuses pour les réassureurs.

ACTUALITÉS

Publications

Release of exposure draft legislation for major reforms to Australia's Foreign Investment Framework

10 August 2020

Many governments around the world have been strengthening their laws relating to foreign investment. Australia is no exception to this development and has just released proposed sweeping reforms to its foreign investment regime. In this article, we provide a high level overview of the key proposed amendments and our thoughts on how some of those proposals are likely to affect foreign investment into Australia.

Coronavirus: Changes to rules governing meetings and the execution of company documents (Australia)

7 May 2020

Certain requirements in the *Corporations Act 2001* (Cth) (**Corporations Act**) relating to shareholders meetings, and document signatures, are not compatible with public health requirements for social distancing during the coronavirus pandemic. In order to facilitate these important corporate functions during this period, on May 6, 2020 the Australian Federal Government introduced the Corporations (Coronavirus Economic Response) Determination (No. 1) 2020.

This determination modifies the legislative requirements regarding meetings and execution of company documents. These

changes come into force on 6 May 2020, and will expire after six months, on 5 November 2020.

Coronavirus: Directors' duties and making decisions in a crisis (Australia)

4 May 2020

Directors need to carefully consider the risks of the COVID-19 outbreak within their business, given its impact on the global economy. As many now face significant, and increasing, cash flow pressure, directors should carefully consider their actions in the context of the legal framework.

In this new guide we have set out the practical steps directors should be taking to protect their company and its business going forwards.

Contract analysis in a crisis: flowcharts

7 April 2020

Flowcharts providing considerations for analyzing commercial contracts in the context of the COVID-19 pandemic through a logical process flow that can serve as a practical checklist.

Cost-cutting considerations in the time of COVID-19 (Part 3 – employment issues outside the US)

7 April 2020

A deeper dive into various cost-saving measures and their viability for employers outside the US.

COVID-19 and the "essential business" designation: Practical guidance for businesses that fall in the gray area between "essential" and "non-essential"

6 April 2020

Certain frequently asked questions as well as practical guidance.

Beyond social distancing: What employers need to know to keep their workplaces safe and manage privacy obligations in the face of COVID-19

2 April 2020

Guidance from OSHA, EEO and CDC to help employers seeking to protect the health, safety and privacy of their on-site employees.

Amid COVID-19, US EPA loosens its enforcement policies on the regulated community

31 March 2020

EPA will exercise enforcement discretion in policing businesses and other regulated entities for noncompliance with certain environmental regulations.

Coronavirus: Cybersecurity considerations for your newly remote workforce (United States)

31 March 2020

Cyber risk management involves balancing the productivity of a workforce with ensuring confidentiality, integrity and availability of the company's own systems and data, as well as that of their supply chain.

Coronavirus: DHS Response to COVID-19 - What US Employers Need to Know

29 March 2020

Key questions and answers related to the new DHS guidance.

Coronavirus: Cyber hygiene practices

25 March 2020

While the world is responding to the coronavirus disease 2019 (COVID-19), and individuals are increasingly focused on personal hygiene and social distancing, augmenting cyber hygiene efforts at home and at work are increasing in importance too.

Coronavirus: Employee furloughs, reductions-in-force and similar temporary cost-saving measures (Part 2 – Employment issues outside the US)

25 March 2020

A general overview of key employment issues to consider outside of the US in light of COVID-19.

Coronavirus: Employee furloughs, reductions-in-force and similar temporary cost-saving measures in the US - Part 1

25 March 2020

Key employment-related issues for US-based employers in relation to cost-saving measures due to COVID-19.

Coronavirus: Several state and local governments issue “shelter in place” orders (United States)

23 March 2020

Between March 17 and 22, state and local governments have promulgated at least a dozen “Stay-at-Home” / “Shelter-at-Home”-type Orders. This alert provides details on a number of state and local government orders.

High Court rules BHP entities were associates

23 March 2020

On 11 March 2020, in an unanimous and landmark decision, the High Court of Australia handed down its decision on the technical meaning of “sufficiently influenced” which is used to determine who is an “associate” under Australia's foreign income attribution rules. The decision has significant impact for large listed groups especially with a dual-listed company (**DLC**) structure and concerns the application of the Australian Controlled Foreign Company (**CFC**) rules.

Whilst the facts and future application of this case may principally be limited to the DLC type structures, the legal analysis of the definition of “associate” impacts on wider applications as this definition is used outside of the CFC provisions including the thin capitalisation rules, the debt/equity tests and the withholding tax rules.

Coronavirus COVID-19 and a FIFO Workforce

17 March 2020

Media reports have emphasised that the Western Australian resources sector considers itself well-prepared for the threat of coronavirus COVID-19, and have measures in place to ensure any disruption to production levels is minimised. But it's important to consider what obligations employers in the mining sector have to their employees and what steps they may take to appropriately respond to the current threat.

Coronavirus COVID-19 and corporate governance (Australia)

18 February 2020

The coronavirus COVID-19 outbreak and ensuing government restrictions raise corporate governance concerns and create areas of risk across the ESG spectrum that should be considered by companies and their directors and officers.

Coronavirus COVID-19: The legal impact on force majeure events (Australia)

12 February 2020

Key considerations for parties that may wish to declare a force majeure event or dispute the declaration of a force majeure event by a counterparty in relation to coronavirus COVID-19.

Hong Kong Government introduces mandatory quarantine measures

11 February 2020

On 9 February 2020, the number of deaths due to the rapidly spreading coronavirus in Mainland China officially surpassed the figure seen during the 2002/2003 SARS epidemic.

Numerous governments have been implementing restrictions barring entry to those with recent travel history through Mainland China, including Singapore, Japan, Australia and the United States. Following pressure from public health workers, the Hong Kong Government has now followed suit and has begun a mandatory two-week quarantine for anyone arriving from Mainland China.

How to resume business amid the coronavirus outbreak (China)

11 February 2020

As reported in our previous article, China has extended its Chinese New Year holiday and work suspension period as a result of the novel coronavirus outbreak which has now infected more than 40,000 people around the world.

This is a summary of the Back to Work Day and compensation for working before Back to Work Day in key cities and provinces across China.

EU Policy & Regulatory Alert

3 February 2020

On 29 January 2020, the new European Commission has adopted its 2020 annual Work Programme, announcing 43 new concrete policy and legislative measures to be introduced over the course of the year of 2020, and thereby translating into practice the Political Guidelines of new European Commission President Ursula von der Leyen.

APAC employment issues arising out of the Coronavirus (AsiaPac)

31 January 2020

On 29 January 2020, the number of confirmed cases of the rapidly spreading coronavirus in Mainland China officially surpassed the figure seen during the 2002/2003 SARS epidemic.

Multinationals with local operations around the APAC region have been significantly affected. As staff return to the office following the Chinese New Year holiday period, businesses are now considering what they can do to minimise any risk to health and safety and support staff through this challenging period where anxiety and uncertainty is rife, whilst at the same time complying with their employment obligations and maintaining business continuity. Putting in place detailed business and contingency plans and ensuring careful communications with staff to address key topics and concerns is key, as is keeping such plans and communications under frequent review given the fluidity of the current situation.

This alert considers some of the key issues that HR and business leaders should be considering across the APAC region.

EU Policy & Regulatory Alert - EU Publishes Artificial Intelligence Ethics Guidelines

12 APR 2019

On 8 April 2019, the EU's High-Level Expert Group ("AI HLEG") on Artificial Intelligence ("AI") published the much-anticipated "Ethics Guidelines for Trustworthy AI", setting out a horizontal framework for the development and deployment of ethical and robust AI systems across the EU

Supply chain human rights risk management: Blockchain and emerging technology

8 NOV 2018

Global businesses, financiers and investors are faced with an increasingly complex and interconnected legal, financial and reputation risk agenda related to human rights and other responsible business conduct issues.

Conflict mineral reporting rules impact many public companies: *new supply chain requirements and new Form SD*

19 Sep 2012

Understanding the new reporting requirements.

EVÈNEMENTS

Récemment

TopCo liability panel

25 JUN 2019

London

NEWS

DLA Piper lawyers named Acritas Stars

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

DLA Piper advises Resolute Mining on hybrid power station

20 December 2019

Global law firm DLA Piper has advised Resolute Mining Limited (ASX/LSE: RSG) on its power supply agreement for the development of a new hybrid power station at Resolute's Syama Gold Mine in Mali.

DLA Piper advises Phatisa on Meridian exit

23 APR 2019

DLA Piper has advised Phatisa, a leading African development and private equity fund manager, and other minority shareholders, on the sale of a controlling shareholding in Meridian Group (Meridian) to Ma'aden, the Saudi Arabian based mining and metals company.

DLA Piper announces partnership promotions for 2019

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.

Royal Reesink Smith Mining Acquisition

18 FEB 2019

DLA Piper in South Africa has advised Royal Reesink, one of the world's largest distributors of high-quality machinery, on the acquisition of all the issued shares of South African-based import and distribution company, Smith Mining Equipment Proprietary Limited.
