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Our Africa Practice

2015

CMS in Africa

History

CMS has been active in Africa for over 50 years, advising across all major industry sectors. By working with CMS in Africa, our clients benefit from the specialised experience of our market leading practices and a one-stop approach to providing high quality, coordinated and multi-jurisdictional legal advice.

Sector based approach

At CMS we work hard to be a truly client-centric law firm. Our sector based lawyers have a thorough understanding of major issues affecting our clients.

Our offices in Africa

We have our own offices in Algeria and Morocco, associations in Angola and Mozambique and trusted relationships with law firms in most other countries across the continent.

www.cmslegal.com/Africa

Supporting your business in Africa

Geographic presence

- CMS offices in Algeria and Morocco
- Affiliated offices in Angola and Mozambique
- Longstanding network of local correspondents in over 25 countries
- Trusted relationships with local governments

Project management

- Experience of managing teams across jurisdictions
- Specialist Africa-focused teams in France, Germany, Portugal, the Middle East and the UK

Track record

- Over 50 years' experience across the most important markets
- Advising wide range of clients: multinationals, exporting small and medium enterprises, Africa groups, State organisations or institutions

Sector focus

- Dedicated expertise in the fastest growing sectors of energy, infrastructure, financial services, telecoms, media and technology, consumer products, retail and real estate

Seamless service

- Coordinated, multi-jurisdictional advice
- Comprehensive legal and tax advice that meets international standards
- Arabic, English, French and Portuguese language service



Our recent awards and rankings



IFLR1000



Delivering results for clients

At CMS we work in sector-based teams to ensure the deepest commitment to our clients' business, and the sectors and countries in which they operate. With over 50 years' experience in Africa, CMS' specialist teams offer in-depth knowledge of English, French and Portuguese-based African legal systems, practical know-how and expertise in the fastest growing markets and sectors.

Selected Africa experience

Energy & Utilities

Oil and Gas

Africa holds a tenth of the world's oil and significant gas reserves. Navigating the local regulatory environment is key to unlocking the potential of new licenses and effectively optimising current assets throughout the continent.

CMS has a wealth of experience in Africa, across the entire oil and gas value chain. We act for a diverse range of oil and gas companies across Africa, from smaller players to international supermajors. Projects we have worked on include:

- **BP** on its sale to Apache of producing and exploration interests in the Western Desert, as part of a US\$7bn divestment programme
- **Shell** on a dispute in Nigeria relation to environmental and other issues
- **BG** on supply chain contracts and purchase agreements in Tanzania
- **Chevron** on an acquisition, by exchange, of oil and gas assets in Egypt, including rights under PSCs
- **Maersk Drilling** on the negotiation of long term, high value drilling contracts
- **A leading Spanish oil & gas constructor** on day-to-day basis on Algerian legal and tax matters
- **A major Spanish oil & gas energy company** on arbitration regarding an Exploration and Production contract concluded with Sonatrach, the Algerian oil & gas state owned company

- **Several UK clients from the oil & gas industry** on Moroccan hydrocarbon laws and regulations and on contract laws with respect to contracts signed with the National Office on Hydrocarbons and Mines (ONHYM)
- **A leading independent oil & gas exploration and development company** on regulatory aspects related to exploration permits in Senegal and Mauritania

Power

The African economy is projected to grow by 7.7% annually between 2014 and 2019. The need for new power generation and infrastructure to fuel this growth provides a unique opportunity for businesses operating in this sector.

CMS has an extensive track record in the power sector in Africa, covering many parts of the continent and advising on the entire power project cycle. Our clients include developers, investors, financial institutions, offtakers, governments and regulators. Our experience includes advising:

- The sponsor on its successful competitive bids for the two power projects comprising the **Port Said East & Suez Gulf Power Project** and the negotiation of all project agreements through to financial close
- **The National Treasury of the Republic of South Africa** in relation to the legislative and regulatory frameworks for renewable independent power projects and the unbundling of the South African electricity market

- **The Government of Botswana** on the establishment of a new cross-sectoral utility regulator for Botswana including on the drafting of an Electricity and Water Law to establish the legal and regulatory framework and institutional arrangements for the regulatory body
- **Medgrid** on electricity regulation and the legal environment of PPP's in multiple jurisdictions in relation to the building and operating of submarine power interconnectors between North Africa and Europe

Infrastructure and Project Finance

To keep up with rapid economic growth, African infrastructure investment needs to double to USD 93bn per annum within ten years. Africa's present infrastructure gap and the prospect of significant economic growth therefore signifies a huge opportunity.

CMS has notable experience in a wide array of infrastructure and projects and have acted for clients in multiple African jurisdictions. This includes advising:

- **Aldwych International, Norfund, IFU, FinnFund** and **Vestas** on investment arrangements and structuring for the Lake Turkana wind power project in Kenya
- **The governments of Mali and Senegal** on public procurement and delegations of public services
- **The Government of Côte d'Ivoire** on a bus terminal PPP project and on the Abidjan light train PPP project

Private Equity

Private equity fund managers raised a record of over USD 4bn for investment in sub-Saharan Africa in 2014. Africa's long term growth forecast is making the continent a key region for the PE industry.

CMS has a long standing and close relationship with the international private equity industry and have acted for clients in transactions across multiple African jurisdictions. This includes:

- **Farmers Hope Company Limited** on a Ghanaian agro-processing company, in relation to receiving debt and equity funding by a Ghana-based investor
- **Pan Africa Infrastructure Development Fund** on English law aspects of its investment in Essar Telecom Kenya Limited

- **Advans SA** on establishing microfinance institutions in Cameroon, Côte d'Ivoire, DRC, Ghana, Tanzania and Tunisia
- **Amethis Finance** on multiple investments in francophone Africa

Technology, Media and Communications

Improvement in technology and communications, including the impact of the smart phone, has revolutionised numerous sectors of the African economy. Technological advances have opened up multiple new markets and new opportunities.

CMS provides specialist advice to a wide range of businesses, providing for their legal, tax and commercial needs, ensuring that they can operate successfully in the fast-moving and ever-changing TMC sector. For example CMS has advised:

- **A global energy company** on the regulatory issues in relying on VoIP as its sole global telephony solution across 71 countries, including specific advice for the Southern African Development Community, Angola, Malawi and South Africa
- The **Algerian National Investment Fund** on its acquisition of 51% of Omnim Telecom Algeria

Insurance

Africa's relatively untapped insurance market offers potential for huge growth. Access to insurance products will likely follow the upward trajectory of the continents' economic development.

With multi-jurisdictional experience across Africa, CMS offers business focussed-legal solutions to insurers, reinsurers, life companies, brokers and intermediaries. Our recent experience includes:

- Political risks advice to **Aldwych International Ltd** in relation to the Lake Turkana Wind Farm in Kenya
- Conducting litigation for **Rieter International** against its insurance broker for negligence in placing trade credit protection for the export of machinery to Morocco
- **Lloyds underwriters** in relation to reinsurance claims arising from property damage in Nigeria

Banking

Rising incomes and improvements in technology signal a bright and innovative future for the African banking sector.

CMS has experience in transactions covering a range of sectors, with significant experience in Africa including:

- **Ocean Rig** on the USD 1.8bn refinancing of the Ocean Rig Corcovoda, Ocean Rig Olympia, Ocean Rig Poseidon and Ocean Rig Mykonos for initial use in Angola and Equatorial Guinea
- **Vitol** on its joint venture with **Nidogas** for construction of an LNG plant in Nigeria
- **Senior Lenders to Aldwych International** on the refinancing of debt facilities and on a series of material consent packages relating to investments and business development activities in Africa

Lifesciences

Urbanisation, technological advance and increased life expectancy will drive African demand for pharmaceutical products and services to new highs.

CMS acts for the top 20 global pharmaceutical companies, 9 of the top 10 global medical device companies and the world's leading biotech company across multiple jurisdictions worldwide. Our work in Africa includes advising:

- **Medtronic** on Hospital Solutions deal with AHP in the UK, Poland, Croatia, Albania, Bulgaria, Slovenia, Algeria, Morocco, Tunisia, and Russia
- **An international pharmaceutical group** on the tax, legal and competition law aspects of a proposed partnership with a leading Moroccan pharmaceutical group

Consumer products & Retail

Half a billion people in Africa are expected to be middle class by 2030, rising from 376m people in 2013. Improved incomes and the increased middle class will drive African demand for consumer products skyward.

CMS has advised a range of companies on all legal and tax aspects of doing business in the consumer products sector. Our work in Africa includes advising:

- A major automobile distribution group, **CFAO**, on a multi-jurisdiction merger filing in Northern and Eastern Africa (35 countries)
- **GBH** on its acquisition of SODIDA, the distributor of Renault, Renault Trucks and Suzuki in Côte d'Ivoire

- **Nestlé** on the acquisition of 60% of Nestlé Waters' Commercial Distributor
- **Auchan** on its successful acquisition of a network of retail outlets in Senegal
- **Philip Morris** on a range of employment related issues

Hotels & Leisure/Real Estate

The growth of regional African business travel, coupled with the tourism industry, is making the African continent a key battleground between global hotel groups. Similarly, rising incomes and urbanisation are attracting significant investment in African real estate.

CMS has a proven track record for acting in a range of hotel, leisure and real estate transactions. Our team has provided a range of legal services to these sectors in multiple African jurisdictions. Our recent work includes:

- Advising **Domaine Palm Marrakech** on legal and tax issues relating to the construction of the Royal Palm Marrakech
- Advising **Social Security Fund Investments of Libya** on their management agreements with Hilton for up five hotel conversions in Libya
- Advising **Pestana** on the establishment of a resort complex in Casablanca (the first 'RIPT' in Morocco)



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Client, major oil and gas company

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CMS locations:

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