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Joint Operating Agreements: A Comparison Between the IOC and NOC Perspectives

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appreciation by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green Chambers. Like most other industries, the oil and gas industry has now gone global, which means that lawyers and other advisers operating within this industry must be aware of the challenges that have developed as a consequence. This book, a recent publication from Globe Law and Business, addresses one of the major challenges stemming from the proliferation of national oil companies, (NOCs) that have emerged as a result of nationalization, which, like it or not, is certainly a global trend. The authors, Dr. Anna Ovcharova and Dr. Eduardo G Pereira point out that as the majority of natural resources, as of the past decade, are under the control of NOCs, then international oil companies (IOCs) (read private companies) are more likely to deal with them and hence the need for workable JOAs -- Joint Operating Agreements -- to regulate, basically, the resulting contractual arrangements involved in the resulting partnerships or alliances. As its title indicates, this book explains in practical detail what every lawyer should know about regarding JOAs. According to the authors, both of whom are experts in this area, the JOA is nothing new, having evolved in America from the 1950s onward. What is new is the pace of change that has, you might say, engulfed the energy industries. Originally the JOA was a private document designed to regulate the relationship between private investors. It has now become more complicated in the now commonplace situation where public meets private in the form of IOCs forging agreements with NOCs, of which Russia's Gazprom is a prime example. JOAs, say the authors are now acquiring the features of public agreements, since NOCs are commonly party to such agreements and their presence is likely to indicate different rules. The book therefore analyses a large number of JOA models ---eleven of them to be precise -- from a varied list of countries including the UK, the United States, Australia, Canada, Norway, Morocco and Greenland. Also very handy for practitioners is the book's logical structure, which makes it easy to navigate. The three chapters cover, respectively, the conduct and control of the operation, the financial issues and boilerplate agreements. Each chapter is divided into a number of sub-sections dealing with the specifics under these categories. Boilerplates, for example, includes dispute resolution, assignment, termination and force majeure and IP rights. Copiously footnoted throughout, the book presents a formidable amount of research in a clear and accessible manner. The result is an illuminating read and in fact, an essential purchase for all consultants and advisers involved professionally in any aspect of the oil and gas industry, particularly those who recognize the necessity of keeping up to date with recent developments. The publication date is cited as at 2015.

This new major work will analyse the critical concerns and challenges that IOCs and NOCs face in this new type of consortium, and will ultimately suggest alternative solutions to find common ground between these parties. The book is divided into three chapters, which respectively deal with the conduct of operations, the financial issues relating to the consortium and the boilerplates of the agreement.. Each chapter will include analysis from the perspectives of four different types of company.