

PUBLIC RISKS, PRIVATE PROFITS

SUEZ ENVIRONNEMENT

**Profiles of Canada's public-private
partnership industry**

2015



A JOINT PROJECT OF THE POLARIS INSTITUTE AND THE CANADIAN UNION OF PUBLIC EMPLOYEES



INTRODUCTION

This report is part of a series of corporate profiles of the primary private water and wastewater services providers involved in the Canadian public-private partnership (P3) market.

The companies profiled in this series were all identified by PPP Canada Inc. – the federal crown corporation created to promote P3s across the country – as likely bidders on Canadian water and wastewater P3 projects. The corporations on this list offer a diverse set of capabilities. Some would be part of the design and build phase of a P3, others would participate in the finance and operate portion of a P3. While some companies are specialty water and wastewater services firms and others are P3 financiers, the common thread is their desire to participate and benefit from Canadian water and wastewater P3s.

Given the success of efforts to oppose water and wastewater P3s in municipalities like Abbotsford, Whistler and Metro Vancouver, B.C., public opposition is a key concern for the P3 industry in Canada.¹ One way of ensuring this opposition continues is to educate the general public about the track records of the private water services companies that are vying for contracts to design, build, finance, operate and maintain water and wastewater infrastructure. With intimate knowledge of these companies, municipal staff, city councillors and local P3 opponents will gain important tools to challenge P3s in their communities.

OVERVIEW

“Water is an efficient product. It is a product which normally would be free, and our job is to sell it.”

– Gérard Mestrallet, past CEO and current board chair, Suez Environnement²

Suez Environnement provides water, wastewater and solid waste management services around the world. Along with Veolia Environnement, Suez Environnement is one of the world’s two largest water and wastewater infrastructure and services corporations.³ Suez Environnement is headquartered in Paris, France and employs 80,990 people in 70 countries, across five continents.⁴ The company supplies 92 million people with drinking water, 65 million with wastewater collection and treatment services and provides nearly 50 million people with waste collection services.⁵ Furthermore, Suez Environnement recovers 14 million tons of waste each year and produces 5,138 GWh of local and renewable energy.⁶

Suez Environnement has gone through numerous transformations and evolutions since its founding as the French company Lyonnaise des Eaux in 1880. Over the years, the company has diversified and extended its activities. A key moment in the company’s history occurred in 1997 with the merger of Compagnie de Suez and Lyonnaise des Eaux which created the energy, solid waste management and water company known as Suez Lyonnaise des Eaux. In 2008, after further mergers, acquisitions and corporate realignment, the company – which had then become known simply as Suez – was split into two separate entities: GDF Suez and Suez Environnement. This split took place when Suez merged with state company Gaz de France to create the energy multinational GDF Suez. For the 2008 merger to take place, one of the conditions was the spin-off of Suez water and solid waste management division Suez Environnement into its own publicly-traded company, with GDF Suez maintaining 35 per cent of the company’s shares.⁷ In April 2015, GDF Suez changed its name to Engie.⁸

This corporate profile focuses on the water, wastewater and waste management operations of Suez Environnement, as well as its subsidiaries and predecessors.

HEADQUARTERS

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92040 Paris La Défense Cedex
France
www.suez-environnement.com

FINANCIAL INDICATORS

ANNUAL REVENUE⁹ (IN CANADIAN DOLLARS)

2014	\$20.11 billion
2013	\$20.98 billion

Revenues by business (as per cent of total revenue)

	2014 REVENUE ¹⁰	2013 REVENUE ¹¹
Water Europe	31.3%	30.3%
Waste Europe	44.1%	44.7%
International	23.9%	24.9%
Other	0.7%	-

Revenue by geographical region (as per cent of total revenue)

REGION	2014 ¹²	2013 ¹³
France	36%	36%
Germany, Belgium, Netherlands and Luxembourg	12%	12%
Spain	12%	11%
United Kingdom	7%	6%
Other Europe	6%	6%
Australia	6%	6%
USA	6%	5%
Morocco	5%	4%
Chile	4%	4%
Asia	3%	4%
Rest of the world	3%	5%

BOARD OF DIRECTORS¹⁴

Suez Environnement's board of directors has 18 members, including two directors representing employees and eight independent members from outside the company. Each member serves a four-year term.¹⁵ In 2014, the board met 10 times, with an attendance rate of 80.7 per cent.¹⁶

G rard Mestrallet – Chair of the Board of Directors of Suez Environnement Company, and Chairman and Chief Executive Officer of ENGIE.

Jean-Louis Chaussade – Chief Executive Officer of Suez Environnement Company.

Nicolas Bazire – Chief Executive Officer of Group Arnault SAS.

Gilles Benoist – Independent Director of Suez Environnement Company (Former chief executive officer of CNP Assurances S.A.).

Val rie Bernis – Executive Vice-President of Communications, Marketing and Sustainable Development; member of the ENGIE Management Committee.

Harold Bo l – Chief Executive Officer of Belgian investment company SOFINA.

Isidro Fain  Casas – Chairman of Spanish bank CaixaBank.

Penelope Chalmers Small – Executive Vice-President of Strategy and Communication at ENGIE Energy International.

Alain Chaigneau – General Secretary and member of the ENGIE Executive Committee.

Lorenz d'Este – Managing Partner of private Swiss bank E. Gutzwiller & Cie.

Delphine Ernotte Cunci – Executive Vice-President of France Telecom/Orange Group and Executive Director of Orange France.

Judith Hartmann – Executive Vice President, Chief Financial Officer of ENGIE.

Isabelle Kocher – Executive Vice-President and Chief Operating Officer of ENGIE.

Ines Kolmsee – Independent Director of Suez Environment Company (former chief executive officer of German chemical company SKW Stahl-Metallurgie Group).

Anne Lauvergeon – Chair of French advisory and services company ALP S.A.

Guillaum Pepy – Chair and CEO of SNCF, France's state-owned railway company.

Jer me Tolot – Member of the Management Committee and Executive Vice-President in charge of Energy Services at ENGIE.

Agatta Constantini – Director elected by employees.

Enric Amiguet I Rovira – Director elected by employees.

OPERATIONS¹⁷

In March 2015, Suez Environnement underwent a process of rebranding and reorganization. All subsidiaries were unified under the name Suez, including SITA, Degrémont, Lyonnaise des Eaux, Aigües de Barcelona, Aqualogy, United Water, and Ondeo Industrial Solutions.

The change to a single brand also comes with a change to Suez Environnement's operations and business lines. Suez is now organized into five geographical units and four business lines:

Geographical units:

- Africa, India, Middle East;
- North America;
- Australia;
- Asia; and
- Europe-Latam (Latin America).¹⁸

Business lines:

- design and construction;
- industrial solutions;
- water services; and
- waste management.¹⁹

Given that this change in structure has only recently been implemented, the remainder of this corporate profile is based on Suez Environnement's most recent annual report, which was published before the restructuring came into effect. Results for the new, restructured, Suez will be publicly available when the company releases its 2015 annual results in early 2016.

As outlined in 2014 official documents, Suez Environnement is organized into four segments: Water Europe, Waste Europe, International, and Other. The Water Europe, Waste Europe and International segments are further subdivided into 10 business units, which include a large number of subsidiaries that make up Suez Environnement's primary activities in water, wastewater and waste management-related services. Suez Environnement has approximately 40 different brands or subsidiaries.²⁰ Due to the vast number of subsidiaries either wholly or partially owned by Suez Environnement, it is difficult to completely map out the company's operations. However, the company's operations in North America are primarily carried out through the subsidiaries United Water and Degrémont.

BREAKDOWN OF SUEZ ENVIRONNEMENT'S FOUR OPERATING SEGMENTS:

Water Europe – Revenues of \$6,284,358.69 in 2014,²¹ 31.3 per cent of Suez Environnement's 2014 annual revenue.²²

The Water Europe division is responsible for water distribution and treatment services, particularly under concession contracts for water management. These services are rendered to individuals, local authorities and industrial clients.²³

This division is broken into two business units, Lyonnaise des Eaux and Aguas de Barcelona (Agbar), and is responsible for supplying 30 million people with water and wastewater services. Both business units generate the majority of their revenue through contracts with public authorities.

Lyonnaise des Eaux, along with its subsidiaries Ondeo and Safege, operates in the following countries: France, Italy, Greece (through a 5.46 per cent interest in the Greek company Eyath), the Czech Republic, Slovakia, and Slovenia.

Agbar is the largest private provider of water and wastewater services in Spain, providing water services to 13.7 million people and wastewater services to 9.5 million people. Agbar also operates internationally in the following countries: Chile (through its 53.3 per cent interest in the company ESSAL), Mexico (through its subsidiary Aguas de Saltillo), Colombia, Cuba, Peru, Brazil, the United Kingdom (through its 30 per cent owned subsidiary Bristol Water), and Algeria.

Waste Europe – Revenues of \$8,876,990.03 in 2014,²⁴ 44.1 per cent of Suez Environnement's 2014 annual revenue.²⁵

The Waste Europe division provides solid waste collection and treatment services for local authorities and industrial clients, primarily through its business unit Sita. These services include collection, sorting, recycling, composting, energy recovery and landfilling for both non-hazardous and hazardous waste.²⁶ Waste Europe is broken into the following business units:

- Sita France
- Sita UK and Scandinavia (Sweden and Finland)
- Sita Germany and Benelux (Holland and Belgium)
- Sita CZ and Sita Poland (Czech Republic, Poland and Slovakia)

International – Revenues of \$4,803,456.65 in 2014,²⁷ 23.9 per cent of Suez Environnement's 2014 annual revenue.²⁸

The company's international division is involved in water, wastewater and waste management activities and engineering services in dozens of countries outside of Europe, through a number of subsidiaries either wholly or partially owned by Suez Environnement.

The majority of the company's activities in North America are performed through this division. Two of the company's largest water and wastewater subsidiaries, Degrémont and United Water, are part of this division. Some of the other subsidiaries that make up this

division include: Suez Environnement North America (SENA), Sita Waste Services (Hong Kong), Sita Australia, Macao Water, Lydec (Morocco), Palyja (Indonesia).

The International division is broken into the following business units:

- Degrémont – Suez Environnement’s primary international water and wastewater subsidiary, operates in over 70 countries through a long list of subsidiaries. According to Suez Environnement, Degrémont is “at the core of the Group’s [Suez Environnement] international growth strategy due to its presence and contracts on five continents.”²⁹ Degrémont contributed \$1.6 billion to Suez Environnement’s 2013 annual revenue.
- North America – Suez Environnement operates in North America primarily through its subsidiary United Water. United Water provides water and wastewater services to more than seven million people in 21 American states, primarily through public-private partnerships and service contracts. United Water is also active in Canada, where it is involved primarily in water and wastewater service contracts (see contracts section, below).
- Asia-Pacific – Suez Environnement is involved in water, wastewater and waste management activities through a large number of subsidiaries in Macao, China, Indonesia, and Australia.
- Africa, Middle East and India – Suez Environnement is involved in water, wastewater and waste activities through a large number of subsidiaries in Algeria, India, Jordan, Lebanon, Morocco, Qatar, Saudi Arabia, and the United Arab Emirates.

Other – Responsible for 0.7 per cent of Suez Environnement’s 2014 annual revenue.³⁰

This segment is mainly made up of holding companies, including Suez Environnement Company.³¹

Suez Environnement's North American subsidiaries:

SUBSIDIARIES	MAIN ACTIVITIES
<p>Degrémont Technologies Canada 1375, Transcanadienne, Suite 400 Dorval (QC) H9P 2W8 Tel: 514-683-1200</p>	<p>Degrémont Technologies supplies equipment and systems for all aspects of water treatment (including biosolids and wastewater) and is the equipment business line division of Degrémont, S.A., a subsidiary of Suez Environnement.³²</p> <p>In 2007, Degrémont S.A announced the unification of eight brands under the newly-created Degrémont Technologies.³³ This unification included Ancaster, Ontario-based Anderson Water Systems, which was acquired by Degrémont in 2000.³⁴ Anderson Water Systems is based in Canada and specializes in industrial water treatment systems.</p> <p>In 2014, Suez Environnement acquired Montreal-based Poseidon Inc. Poseidon designs and manufactures technology used in water treatment and wastewater processes.³⁵</p>
<p>SENA Solid Waste Holdings Inc. ("SENA Waste Services") 13111 Meridian Street, Site 500 Edmonton, AB T6S 1G9 Tel: 780-472-9966</p>	<p>SENA Waste Services is a joint venture between Suez Environnement North America and AECOM (a designer, builder, financier and operator of infrastructure in a broad range of markets such as transportation, facilities, energy, water and government). SENNA Waste Services offers waste management services, and provides engineering, construction, infrastructure development and facility operation services for government and industrial clients. It has two major waste management contracts in Alberta: the Edmonton Composting Facility and Swan Hills Treatment Centre for hazardous waste.³⁶</p>
<p>United Water 200 Old Hook Road Harrington Park, NJ 07640 USA Tel: 201-767-9300 unitedwater.com</p>	<p>United Water provides water and wastewater services to over seven million people in the U.S.³⁷ The corporation also has contracts in Canada (see page 10).</p>

CONTRACTS

As a large transnational corporation, Suez Environnement is involved in thousands of contracts with public and private entities around the world. These contracts take a wide variety of forms depending on the nature (private or public sector) and size of the project. What follows is a sample of Suez Environnement's water and wastewater contracts in Canada and internationally. Some of these contracts are defined as a P3 while others are service contracts or concessions. The company has also been identified by PPP Canada Inc. as a likely P3 market participant.³⁸

P3 Definition:

P3s can come in many different forms. For the purposes of this profile, a P3 will be defined as a long-term contract that fulfills two prerequisites.

First, the project must have private sector involvement in at least two of the following structural elements:

- *design*, where the private sector is responsible for all or almost all of the project's design activities;
- *build*, where the private sector is responsible for all or almost all construction activities;
- *finance*, where the private sector is responsible for arranging private financing that will be used to ensure performance during the construction and/or the maintenance and operating period of the project;
- *operate*, where the private sector is responsible for all or almost all activities related to the operation of the project; or
- *maintain*, where the private sector is responsible for all or almost all maintenance of the project.

Second, at least one of the two structural elements must include operate, maintain or finance.³⁹

CANADIAN CONTRACTS

DATE AND LOCATION	TYPE	DESCRIPTION
NOVA SCOTIA		
Halifax, 2002 to 2003 2004 to 2011	<p>Design, build, own, operate P3 (cancelled)</p> <p>Design, build, contract</p>	<p>In 2002, the Halifax Regional Municipality (HRM) selected a consortium led by Suez subsidiary Ondeo for a \$465 million contract to design, build, own and operate three wastewater treatment plants in Dartmouth, Halifax and Herring Cove.⁴⁰ At the time, the contract would have been the largest P3 of its kind in North America.⁴¹ However, after one year, Halifax city council ended negotiations towards a final deal due to “fundamental differences over quality control of the sewage treatment plants discharge” (see controversies section below).^{42,43} This contract was part of the Harbour Solutions Project, to stop dumping raw sewage directly into the ocean by constructing three wastewater treatment facilities, a sewage collection system and a biosolids processing facility. The project moved forward in 2004 when D&D Water Solutions, Inc. (a consortium between Dexter Construction Company Limited and Degrémont) was contracted to design and build the three facilities.⁴⁴ Degrémont completed the first of the three wastewater treatment facilities in 2008. The \$330 million Halifax Harbour Solutions project was eventually completed in 2011.⁴⁵ The municipality directly financed most of the project cost. The federal government contributed \$60 million, and the provincial government contributed \$30 million plus \$2 million in donated land.⁴⁶</p>
QUEBEC		
<p>In Quebec, Degrémont or its subsidiaries has supplied and/or installed equipment in Waterloo, Gatineau, Quebec City and Montreal.</p>		
ONTARIO		
<p>In Ontario, Degrémont has designed, upgraded or installed equipment in Thunder Bay, Mississauga, Windsor and Pickering.</p>		
ALBERTA		
Jasper, 2002 to present	<p>Service contract: operate, maintain</p>	<p>In May 2002, Earth Tech, then a division of Tyco International, was selected to design, build, operate and maintain the Jasper wastewater treatment plant, with a 20 year operations contract.⁴⁷ When Earth Tech was sold to AECOM in 2008, AECOM immediately divested its water sector contracts to Suez subsidiary United Water, including this contract.⁴⁸ United Water continues to operate the wastewater treatment plant in Jasper.⁴⁹</p>
BRITISH COLUMBIA		
Lake Country, 2008 to present	<p>Service contract: operate, maintain</p>	<p>In March 2008, the District of Lake Country entered into an operating services contract with United Water for its wastewater treatment plant.⁵⁰</p>

NOTABLE INTERNATIONAL WATER AND WASTEWATER PRIVATIZATION CONTRACTS (ALL FIGURES CA\$)

July 2015 – Lys, France

Suez Environnement was awarded a \$32.02 million, five-year contract to manage the Lys Water Supply Syndicate's drinking water.⁵¹

May 2015 – Beijing, China

Suez Environnement signed a contract with Beijing Drainage Group, to provide equipment and supervise the commissioning of the Huai Fang reuse water treatment plant. This \$190.99 million contract will come into effect mid-2016.⁵²

May 2015 – Osijek and Vukovar, Croatia

Suez Environnement was awarded two contracts: to design and build a wastewater treatment plant in Osijek; and to supervise the construction of a wastewater treatment network and a wastewater treatment plant, and to supervise the renovation of the water distribution network in Vukovar.⁵³

March and May 2015 - Genevilliers, France

Suez Environnement was awarded two contracts with the Genevilliers (Paris area) water authority (SEPG). The first, in March, was a 12-year, \$895 million contract to reduce leakage and improve water quality.⁵⁴ The second, awarded in May, is a 15-year water supply contract to remove lime scale from the water supply, worth \$319.23 million.⁵⁵

April 2015 – Normandy, France

Suez Environnement subsidiary Eaux de Normandie's contracts to manage drinking water and wastewater services in Alcencon (Normandy) were renewed in April 2015. Both are 12-year contracts and are worth a total of over \$92 million.⁵⁶

February 2015 – Cairo, Egypt

As part of a consortium with three Egyptian companies, Suez Environnement was awarded a four-year contract worth \$120.68 million to operate and maintain two wastewater treatment plants at Gabal El Asfar in Cairo.⁵⁷

January 2015 – Calais, France

The City of Calais awarded Suez Environnement a 12-year drinking water contract worth \$111 million.⁵⁸

January 2015 – Nassau County, U.S.

The Nassau Interim Finance Authority awarded United Water a 20-year contract to operate and manage the county's sewage treatment plant and collection system. The county will pay United Water \$57 million annually. The contract covers three sewage treatment plants, 53 pumping stations and a 4,800 km sewage collection system.⁵⁹

December 2014 - Versailles, France

Suez Environnement subsidiary Lyonnaise des Eaux signed a 12-year, \$357 million water management contract with the Versailles region to provide drinking water services to nearly 400,000 residents in 22 municipalities.⁶⁰

December 2014 – Middletown, U.S.

The Borough Authority of Middletown, Pennsylvania awarded United Water and KKR, a private-equity firm, a \$330 million, 50-year contract to operate and manage Middletown's water and wastewater systems. United Water operates five other drinking water treatment facilities and over 20 wells in eight counties in Pennsylvania.⁶¹

December 2014 – Doha, Qatar

The Government of Qatar's Public Works Authority (Ashghal) commissioned Suez Environnement subsidiary Degrémont, along with its Japanese partner Marubeni Corporation, to expand the Doha West wastewater treatment and recycling plant. The contract is worth \$251 million. Degrémont will oversee the plant's operation until 2020.⁶²

December 2014 – Panama City, Panama

The Panama Ministry of Health awarded Degrémont a four-year, \$92 million contract to maintain and operate the wastewater collection system in Panama City. Degrémont will repair infrastructures and supply the equipment for the 162 km system of pipes that will be extended to 248 km in 2016. Degrémont has been active in Panama City since 2009 as the operator, designer and builder of the city's wastewater plant.⁶³

April 2014 – Mumbai, Pune, and Bangalore, India

Suez Environnement was awarded three contracts to develop water and wastewater infrastructure. Suez Environnement India was awarded a five-year, \$40.3 million contract with the City of Mumbai to improve drinking water distribution for 12.5 million people - the largest contract of its kind in India. In the city of Pune, Degrémont has been contracted to design, build and operate a \$24.7 million drinking water plant for 2.5 million residents. Degrémont will take 30 months to build the drinking water plant, and will operate it for five years. Finally, Degrémont has a \$14.3 million contract to design and operate two wastewater treatment plants in the city of Bangalore.⁶⁴

March 2013 – New Delhi and Bangalore, India

Degrémont was awarded two contracts worth a total of \$54.5 million to design, build and operate wastewater treatment plants in New Delhi and Bangalore. The New Delhi wastewater treatment contract consists of a two-year construction phase, followed by 11 years to operate and maintain the plant. The Bangalore contract has a 15-month design phase, followed by five years of operating and maintaining.⁶⁵

December 2012 – Victoria, Australia

Degrémont is in a joint venture with Thiess Pty Ltd, an Australian civil engineering and construction company, to design, build, finance and operate a desalination plant for 27 years, after which it will be handed back to the Victorian government. At the time, this was Australia's largest P3. Plant construction was completed on December 19, 2012.⁶⁶

CONTROVERSIES AND RESISTANCE

Remunicipalization

Numerous municipalities around the world are following the recent trend of transferring ownership and operation of water services from private companies back to municipal authorities. Known as remunicipalization, this trend has emerged out of growing frustration with the downsides of privatized water services, including cutting off services to people who can't pay, higher water rates for users, higher costs for municipalities and lower-quality service. Recently, some of Suez Environnement's contracts in France and other countries have been caught up in this tide.⁶⁷ Campaigns pushing for remunicipalization are ongoing in numerous cities across the globe while the following municipalities have successfully regained control of their water services from Suez.*

Europe

France has the most cases of remunicipalization, as it has the longest history of water privatization, and is home to the world's largest private water and wastewater corporations. There are many ongoing campaigns against the operations of Suez subsidiaries in France, including in Île-de-France (excluding metropolitan Paris), Lyon, and Marseille (where Suez operates some sanitation services). Two of the most prominent cases of remunicipalization are in Paris and Grenoble.

Paris, France – After a quarter century of privatization, Paris City Council chose to bring its drinking water services (billing, operation, maintenance and upgrading) back into public hands under a new publicly-owned operator, Eau de Paris. Since 1985, Veolia and Suez subsidiaries had jointly operated the water service utility, with Veolia controlling services on the right bank of the Seine River, and Suez the left. Veolia had controlled billing for the entire city since 1860.

Between 1985 and 2009, water rates went up more than 265 per cent. In the same time period, inflation increased by 70.5 per cent. Residents began to question the high cost of water, and the profits being made by the corporations. In 2001, after negotiations with the city, the companies agreed to lower their profitability rate. However, water rates for users did not go down.

In November 2008, Paris City Council voted for the entire water system, from resource protection to end user, to be operated by a public utility beginning January 1, 2010. The decision to end privatization came after city studies showed bringing the water service under a public utility would lead to significant savings. In its first year, Eau de Paris saved approximately \$49 million compared to the privatized operators. And in early 2011, water rates were lowered by eight per cent.⁶⁸

* For more information on each of these cases and cities listed below please see the interactive map and database available at remunicipalisation.org. Unless otherwise noted, the information in this section is sourced from remunicipalisation.org

Grenoble, France – In 1989, Grenoble’s water services were privatized to Suez subsidiary COGESE (Compagnie de Gestion des Eaux du Sud-Est). The 25-year lease of the city’s water supply and wastewater systems was strongly opposed by municipal opposition parties and public sector unions. The process of privatization was clouded in controversy. The mayor at the time, Alain Carignon, initiated the privatization. It subsequently emerged that Carignon had accepted bribes in the form of contributions to his electoral campaign and other gifts from the company totaling over \$3.8 million. Both the mayor and company executive Jean-Jacques Prompsey were convicted in 1995 of accepting and paying bribes.

The same year, a newly-elected city council, deterred by the high costs of terminating the contract, decided to renegotiate the contract with COGESE into a public-private partnership between the city and Suez. This entity promptly subcontracted services to a wholly-owned Suez subsidiary. Court proceedings in 1997 and 1998 ruled the original contract and subsequent P3 were illegal. In 2000, the city council voted to remunicipalize the water services, creating a municipally-owned enterprise which was separate and autonomous from the council. The new public utility led to lower water rates, greater transparency, and improved quality of services - with maintenance work increasing compared to the years of private management.⁶⁹

Other French municipalities and regions that have regained control of their water and wastewater services from Suez Environnement and its subsidiaries include Bordeaux, Castres, Durance-Luberon Region, Les Lacs de l’Essonne, and Varages.

Other cities in Europe that have regained control of their water and wastewater services from Suez Environnement and its subsidiaries include Potsdam, Germany; Budapest, Hungary; Arenys de Munt, Spain; and Antalya, Turkey.

Canada

Banff, Alberta, 2008-2009 – In 2001, Earth Tech was chosen to design, build and operate the Banff wastewater treatment plant.⁷⁰ In 2008, Tyco International sold Earth Tech to AECOM, which divested Earth Tech’s water division and sold it to Suez subsidiary United Water.⁷¹ The Banff plant’s operation was transferred to United Water with a contract for operations that was supposed to run until 2011. However, a sewage spill in the Bow River in 2008, as well as problems finding certified operators for the plant, pushed Banff to cut ties with United Water and sign a new contract with EPCOR in 2009⁷² (Banff subsequently brought its wastewater operations in-house in 2014).⁷³

Halifax, Nova Scotia, 2003 – In 2003, Halifax cancelled its contract with a consortium led by Suez subsidiary Ondeo, valued at \$465 million, to run the city’s sewage treatment plant (see also “Contracts” section, above). The cancellation came after the company refused to take responsibility for future failures in meeting environmental standards. The company was instead hoping to force taxpayers to pay for the costs of environmental cleanups.⁷⁴ Touted as one of its largest North American contracts, Suez shares fell more than six per cent after news of the contract cancellation.⁷⁵

United States

Atlanta, Georgia – In 1999, Atlanta city council signed a 20-year, \$607 million management contract with Suez Environnement’s U.S.-based subsidiary United Water for its water and wastewater systems. Although United Water claimed it would cut costs for the city, the opposite occurred and the quality of services decreased. In 2003, the city opted to cancel the contract and remunicipalized its water and wastewater systems.

Gary, Indiana – In 1998, management of Gary’s wastewater system was contracted out to a partnership led by United Water. In 2003, United Water bought out the partners, and the contract was extended in 2008. Numerous issues arose after the privatization, including: cutting the workforce in half through attrition; infrastructure issues such as 80 cave-ins due to crumbling sewer lines between 2003 and 2007; failing to meet monitoring requirements adequately and violating sewage discharge limits 84 times between 2005 and 2007; and accusations of manipulating wastewater quality tests. In 2010 the Gary Sanitary District terminated the contract with United Water and remunicipalized the sewage system.

Finally, in South America Suez has had its contracts remunicipalized in Buenos Aires and Santa Fe Province, Argentina; La Paz and El Alto, Bolivia; and Maldonado, Uruguay.

CONTROVERSIES

East Providence, Rhode Island, November 2014 – In 2010, the City of East Providence entered into a 10-year contract with United Water to update, operate and maintain the city’s wastewater treatment plant.⁷⁶ Since then, residents of East Providence have experienced multiple increases in water and sewer bills. In November 2014, 200 people attended a city council meeting to protest a further 11 per cent increase in wastewater rates. According to East Providence’s city manager, the increases were needed to pay for the city’s \$52.5 million wastewater treatment plant upgrade.⁷⁷

Rockland County, New York, 2007-2014 – In early 2007, United Water submitted plans with New York State regulators to build a desalination plant on the Hudson River. The plant would increase water supplies for Rockland County, New York, where the company supplies water and wastewater services to 70,000 residents.⁷⁸ However, residents and environmental groups were concerned about the plant’s potential impact on human health and the environment.⁷⁹ In 2014, the New York State Public Service Commission turned down the plans for a \$185 million plant, saying United Water should investigate other ways to increase the county’s water supply. The commission also rejected United Water’s request to add a surcharge to residents’ bills in order to pay for \$74 million in engineering, legal and planning costs related to the plans.⁸⁰

In another issue related to United Water’s operations in Rockland County, the company reported to state regulators that its financial statements overstated revenues by \$7.1 million between 2010 and 2014.⁸¹ On top of these revelations, an investigation by a local media outlet found that the company had paid for private-school tuition for the children of company executives, rent for CEO’s house, as well as \$6,500 for golf balls.⁸² Residents

expressed concerns with the payments, given that the company had recently applied with New York utility regulators to raise rates by 28.9 per cent.⁸³

France, 2010-2013 – In April 2010, the European Commission conducted antitrust raids on French water companies Suez Environnement, Veolia Environnement and Saur, to investigate suspected anticompetitive practices.⁸⁴ In January 2012, the commission opened formal proceedings about antitrust and abuse of dominant position against the companies. The commission suspected the companies, together with the French industry association Fédération Professionnelle des Entreprises de l'Eau, were working together to control French water and wastewater markets, in breach of EU antitrust rules.⁸⁵ Suez Environnement attempted to appeal this decision⁸⁶ but the appeal was eventually dismissed by the General Court.⁸⁷ The Commission ended its investigation in 2013 after finding no evidence of wrongdoing by the companies and industry association.⁸⁸

In June 2010, the European Commission launched a probe into Suez Environnement for alleged interference in a European Union antitrust investigation. The company was suspected of removal of a seal placed by antitrust officials at the premises of its subsidiary Lyonnaise des Eaux during a surprise raid as part of the antitrust investigation. In a press release, Suez Environnement explained the incident by saying that a Lyonnaise des Eaux employee accidentally moved the handle of an office door to which a self-adhesive seal had been affixed.⁸⁹ The company was eventually fined \$11 million by the European Union for infringement of EU competition law in May 2011.⁹⁰

Jakarta, 1997-present – In April 2015, after years of campaigns and efforts by civil society to re-municipalize the city's water services, the Central Jakarta District Court annulled a concession to supply water to the city of Jakarta. The concession had been held by one of Suez Environnement's subsidiaries and a joint venture partner since 1997. Pending an appeal by the federal government along with Suez and its partner, this decision will return the management of the city's water to public hands ending almost two troubled decades of private water management in one of Asia's largest cities. Some of the problems that plagued this experiment with privatization are highlighted below.

Suez Environnement owns a majority (51 per cent) of PT PAM Lyonnaise Jaya (Palyja), one of two private companies that were awarded a concession to provide water services to the city of Jakarta. In 1997, Palyja acquired a 25-year concession to manage the Western area of Jakarta's water services. The contract between the government and Palyja included a water charge paid to the private operators by the public body (known as PAM Jaya) that owns the water infrastructure assets. This charge increased every six months.

While the tariffs paid by water users to the provincial government increased under private company's management, these tariffs did not increase as quickly as the water charge paid by the provincial government to the company.⁹¹ As a result, not only were residents in Jakarta unable to pay the high water tariffs, but the government took on large amounts of debt.⁹² In 2010, Palyja earned \$17.6 million in profit while PAM Jaya increased its debt by \$5.06 million.⁹³

After 16 years of privatized operation, the public owner of the utility (Pam Jaya) and the provincial government had accumulated more than \$53.2 million in debt.⁹⁴ The consumer water tariffs had increased 10 times during that time, and had become the highest rates in all of South-East Asia.⁹⁵

Residents, unhappy with the costs of water and the debt accumulated by their government, began to campaign against privatized water services in Jakarta. In 2013, then-Jakarta governor Joko Widodo initiated talks to buy back Suez's shares. In January 2015, reports indicated that PAM Jaya would acquire all of Palyja's shares, returning management of the utility to public hands.⁹⁶

Meanwhile, the Coalition of Jakarta Residents Opposing Water Privatization (KMMSAJ) launched a lawsuit. Filed in November 2013, KMMSAJ's lawsuit claimed that the initial privatization contract between the private companies and PAM Jaya was drawn up illegally and that it violated the Indonesian constitution's provisions on basic services, including access to clean water.⁹⁷

On March 24, 2015, the Central Jakarta District Court ruled in favour of KMMSAJ and ordered the private operators to end the privatization of water in Jakarta and return the operation of water distribution to PAM Jaya. In its ruling, the court noted the companies had been 'negligent' in fulfilling the human right to water for the residents of Jakarta.⁹⁸ Both companies announced that they would appeal the decision,⁹⁹ with the head of Suez Environnement's international operations stating that the "the story is far from over."¹⁰⁰

In August 2015, both the federal ministries of finance, as well as of public works and public housing, submitted appeals the court ruling. These appeals will delay the cancellation of the concession until the legal process has been completed. In response to the appeal, Members of the KMMSAJ stated that the government clearly wants to maintain the privatization of Jakarta's water supply.¹⁰¹

Argentina, 1993-2010 – In 1993, Buenos Aires' water and wastewater utilities were privatized to a consortium including Suez, known as Aguas Argentinas. The Argentinian government awarded the consortium a 30-year concession to run the city's water and wastewater system. Aguas Argentinas promised to increase access to services and reduce water rates by 26.9 per cent.¹⁰² However, only eight months into the contract, the company negotiated a new deal which led to a 13.5 per cent increase in water rates. This caused the average monthly water bill in Buenos Aires to nearly double from US \$14.56 in May 1993 to US \$27.40 in January 2002.¹⁰³ Despite rising water rates, Aguas Argentinas did not increase access to services. The contract dictated that the company connect over \$4.2 million people to the city's water system and \$4.8 million people to the municipal wastewater system. Aguas Argentinas failed to achieve this promise, and instead cut off water to poor residents who were unable to pay their bills.¹⁰⁴

Furthermore, the company began to take loans from international financial institutions – putting it in a vulnerable position when Argentina entered a financial crisis in 2001. Aguas Argentinas defaulted on \$900 million in loans after the Argentinean government refused to allow it to repay its debt at preferential exchange rates, and raise user fees.¹⁰⁵ In response, the company launched legal action in 2005 against Argentina through the

World Bank's International Center for the Settlement of Investment Disputes (ICSID). The Argentinian government finally rescinded the 30-year concession in 2006 and the utility returned to public hands.

In June 2010, the ICSID tribunal ruled that Argentina breached its obligation under the France-Argentina bilateral investment treaty, by failing to revise water rates according to the legal framework of the concession.¹⁰⁶ The ruling stated: "The effective devaluation of the Argentine peso meant that [Aguas Argentinas] costs increased substantially and the government's refusal to allow a revision of the tariff in these circumstances meant that [Aguas Argentinas] began to sustain losses."¹⁰⁷

The tribunal ruled how much the Argentine government would have compensate Suez in a separate phase of the case. This amount was finally decided in April 2015, with an award ordering Argentina to pay the company US \$405 million for terminating the water contract.¹⁰⁸ The award is the largest issued by an ICSID tribunal against the Argentine government to date.¹⁰⁹

Bolivia, 1997-2006 – In 1997, Suez subsidiary Aguas de Illimani, S.A. (AISA)¹¹⁰ was awarded a 30-year contract to manage the water and wastewater services in the cities of La Paz and El Alto.¹¹¹ Facing water rates that had increased 300 per cent, the public began to organize large street protests in 2004. In El Alto, 500,000 people came together to protest the water costs and in La Paz five people died during one of the protests. An audit of AISA found that the company had failed to meet its promise to achieve 100 per cent drinking water coverage for both cities within five years. Instead the company had left 200,000 people in both cities without access to water and sanitation services. As a result of persistent resistance and protests, the government began a process of cancelling the contract and bringing the services back to public control.¹¹²

It took the government two years to follow through and return the utility to public control. One reason for the delay was the government's concern that by cancelling the contract Suez would retaliate through international investment courts like the World Bank's International Center for the Settlement of Investment Disputes (ICSID).¹¹³ The Bolivian government eventually paid Suez and other AISA shareholders \$6.3 million for lost investments, and took on \$11 million of the company's debts to international financial agencies such as the World Bank's International Finance Corporation, Inter-American Development Bank and the Andean Development Corporation.¹¹⁴ The water utilities were then to be returned to public control and renationalized, but many financial and governance challenges remain before the transition to a fully public alternative can be achieved.¹¹⁵

South Africa, 2000-2006 – Suez Environnement and its predecessors have been active in South Africa since the 1970s, when its subsidiary Degrémont won a contract to design and build water and wastewater plants. Suez and its subsidiaries were awarded hundreds of contracts by Apartheid-era governments to supply clean water to the white minority while the needs of the black majority were ignored.¹¹⁶ In 2000, Suez was awarded a five-year contract to manage Johannesburg's water and wastewater utility. After five years of problems and questionable behaviour, the company's contract was not renewed.

Some of the controversy surrounding the Suez contract in Johannesburg centered on the installation of pre-paid water meters in certain neighbourhoods. Water users were required to pay up-front for their water, and if users failed to pay, the service would automatically be turned off.¹¹⁷ Pre-paid water meters were linked to outbreaks of cholera, as people resorted to collecting water from unsafe sources after their water service had been cut off.¹¹⁸ In the summer of 2000, thousands of poor community members in the KwaZulu-Natal province were unable to afford water payments and had their water cut off. This resulted in the worst cholera outbreak ever recorded in South Africa.¹¹⁹

This health crisis and the protests that it sparked led the African National Congress government to create the national Free Basic Water (FBW) policy in 2001. The policy requires all of the country's 284 municipalities to provide 25 liters per person per day of free water.¹²⁰ A rate system was to be put in place that would ensure that those who use more than the free basic water amount would be charged extra and the revenue generated would be used to subsidize the free consumption block.¹²¹ However, as there was no national regulator, some municipalities did not comply with the FBW policy, in order to ensure continued revenue. In the case of Johannesburg, Suez created a system of tariffs where services rates (which came into effect after the initial free water quota was exceeded) were unaffordable for many households, leading to an increase in water service cutoffs.¹²²

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