

ENERGY

Decarbonisation, decentralisation and digitalisation: these three trends have had a significant impact on the energy sector and companies in the industry for some time now. In addition to encouraging new market entry, these trends have resulted in constant changes in the framework conditions under energy law. These changes have accommodated new opportunities and business models, but have also challenged existing structures.

The Energy Law Team from BEITEN BURKHARDT can help you successfully pursue new opportunities in the energy market and master the challenges that arise. Your company and your needs are central to our approach. Our specialists provide efficient and solution-oriented advice. We are happy to assist you with interdisciplinary issues, too; you will of course still have one dedicated contact person, who will coordinate our team. You can find out more about the individual legal services offered by our team under “Energy Law” .

For many years, our clients have included energy suppliers and operators of infrastructure, industrial companies and the public sector. We advise all actors in the energy value chain on projects and transactions, on their daily business and on financing.

Producers and storage operators

We advise operators of energy generation plants and electricity, gas and heat storage on all legal concerns in relation to their business activities.

- Providing support with the energy and public law aspects of planning, developing and operating energy generation plants
- Developing and assisting with cross-sector production and supply concepts
- Advising on power storage concepts, such as swarm concepts, especially on the regulatory aspects and with respect to balancing energy
- Developing of financing and operator models
- Providing advice on state aid and subsidies
- Developing, reviewing and negotiating general contractor, maintenance, operation and management agreements, as well as end customer agreements
- Providing representation vis-à-vis regulatory and approval authorities and network operators

Grid and infrastructure operators

We advise and support grid and infrastructure operators on all regulatory issues, in particular in connection with the fulfilment of their statutory obligations, on connection and access issues, and on grid and infrastructure expansion - keeping in mind the interplay with the regulation of fees in each case – as well as on the fee regulation itself. We represent network and infrastructure operators not only in court proceedings against decisions of the regulatory authorities, but also in official administrative proceedings.

- Advising grid operators of all voltage levels and pressure ratings on questions of network regulation and the regulation of network charges
- Providing advice to grid operators (regardless of voltage levels and pressure ratings) on planning and expropriation law issues in connection with the upgrade and expansion of the grid
- Developing and assisting with compliance concepts, especially the fulfilment of unbundling requirements
- Advising on all issues related to metering operations (smart grids and smart metering)
- Developing, assessing and negotiating the relevant network and metering agreements
- Advising operators of closed distribution grids and customer installations
- Providing advice and representation in concession procedures

Suppliers, traders and service providers

We draft and review all necessary supply, trading and service agreements and manage contractual negotiations. We provide legal opinions on the interpretation of contracts and the effectiveness of contractual arrangements, and represent you before civil courts.

- Drafting, assessing and negotiating agreements for the procurement and supply of energy or for energy trading (in accordance, for example, with EFET, ISDA and German Raiffeisen Association (DRV) standards)

INDUSTRY ENERGY

- Advising on regulatory issues in connection with energy trading (REMIT, EMIR and MiFID II)
- Advising on electricity market issues (e.g. balancing markets, interruptible load, etc.) and balancing zone management
- Providing support with emissions trading and emissions trading systems matters
- Drafting, reviewing and negotiating agreements for the provision of services in the field of energy supply

Industry

We advise industrial and medium-sized companies from energy-intensive industries, e.g. the steel, aluminium, chemical and paper industries, as well as retail companies and clinics.

- Special equalisation schemes
- Reduction of network fees and grid-related levies
- Electricity and energy tax law, including concession levies law
- Operation of closed distribution networks and self-generation plants
- All energy-related agreements
- Authorisation proceedings and defence against complaints from owners of neighbouring properties

Public sector

The public sector seeks us out for our expertise and strategic advice. We support municipalities and public utilities on energy law issues and inject our know-how into research projects for the Federal Government or the European Union.

Brussels

With special focus on renewables (especially wind and biofuel) and nuclear energy, our Brussels team boasts extensive experience in the energy sector. Our clients are both significant medium-sized companies and public utilities, as well as major multinational energy corporations. We regularly advise companies active in the energy sector on antitrust, merger control and state aid matters, which concurrently raise numerous regulatory issues. We have advised on the compliance of new energy schemes, pipelines and the decommissioning of power plants.

We also have experience with the drafting of contracts, litigation and administrative law procedures before European and national authorities. Finally, we also represent complainants before the EU Commission.

Russia

One of our key activities is providing advice on the sale or purchase of interests and the structuring of PPP projects, including their financing. We further support companies in constructing and financing production sites and plants, in procurement procedures and in designing supply agreements.

AT A GLANCE:

- Advice on and assistance with plant construction projects and project development
- Project financing, also through making use of investment, subsidy and loan programmes
- Joint ventures with Russian partners
- Supply agreements for energy and energy sources
- Real estate leasing agreements
- Trademark protection
- Tax issues
- Financing and delivery of production plants and equipment

China

Our team advises providers, suppliers, traders and commercial users on all their activities in this important sector: from the establishment of companies and cooperative ventures, to the construction of plants, trading with emission certificates and the financing of such activities.

We have experience with all forms of energy generation and natural resources and naturally with the applicable tax regulations. We also advise on aspects of sustainability, climate change and clean technology.

We have particular expertise with the establishment of foreign-invested joint ventures.

AT A GLANCE:

- Establishment of companies and cooperative ventures, especially with foreign investment
- Mergers & acquisitions
- Project development
- CDM projects
- Structured finance
- Emissions trading (ERPAs)

INDUSTRY ENERGY

- Licensing systems
- Equipment leasing
- Energy related taxes
- Environmental law, environmental due diligence and risk management
- Mining law

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