



## Infrastructure, Construction and Transport

Whatever your requirements in infrastructure, construction or transport, you need experienced advisors with deep knowledge of your markets and the challenges that you face, both locally and internationally.

Economies and individuals depend on infrastructure and transport that are properly funded, professionally delivered and expertly operated. Although these goals present complex challenges in tightly regulated and highly visible public environments, successful infrastructure shapes communities and bring significant economic and societal benefits.

This complexity is why so many leading organizations rely on us. Our experience and international reach set us apart. Our sector focused lawyers based all over the world understand your business, and we can help you manage risks and achieve success.

Every asset and investment is unique and our clients measure success in different ways.

**Our focus** is based on a simple premise: helping you to achieve your goals, wherever you are and whenever you need us. We become a part of your team, helping you to fund, build, operate, buy and sell essential assets and deliver successful projects, transactions and initiatives.

**Our clients** include investors, lenders, contractors, operators, governments, regulators and non-profit organizations. We advise on all aspects of the sector, including regulations, M&A, financing, projects, intellectual property, commercial agreements, political environment, construction, disputes, restructurings, investigations and tax. Client satisfaction is our key measure of success and we are very proud of the projects and transactions that we have delivered shoulder to shoulder with our clients.

**Our multi-disciplinary teams** guide clients throughout the full infrastructure lifecycle. In the early stages, we advise on consenting and land assembly. We also represent promoters, funders, contractors and other partners in the delivery phase, including on novel funding and procurement structures. We are solution focused and deliver with our clients through a proactive approach based on deep industry knowledge. In the operational phase, we support on refinancing, regulatory issues and managing operational and maintenance solutions. We also advise all types of M&A transactions, as well as on decommissioning and life extension.

If problems, distress or disputes arise at any point in the lifecycle of an asset, our lawyers are ready to assist. We pride ourselves on our pragmatic and commercial delivery approach and the experience that we can draw upon to deliver bespoke solutions to a wide range of sector issues with our 360 degree international perspective.

**Our approach** has resulted in numerous awards, and our practices and people are ranked highly around the world, including:

- Ranked Band 3 in *Chambers Canada 2020* - Projects, PPP & Infrastructure
- Ranked Band 2 in *Chambers Canada 2020* - Transportation: Aviation

### KEY CONTACTS

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- Ranked Band 1 in *Chambers Canada 2020* - Transportation: Road and Rail
- Ranked #1 European Social Infrastructure Legal Adviser by deal count and #2 by deal value - *Inframation*, H1 2019
- Ranked #1 global and European Social Infrastructure Legal Adviser by deal count - *Inframation*, Q2 2019
- Ranked #2 Europe Infrastructure Legal Adviser by deal value - *Inframation*, Q2 2019
- Ranked #2 global Infrastructure Legal Adviser by deal value - *Inspiratia*, 2018
- Ranked #2 global Infrastructure Legal Adviser by transaction volume - *Inspiratia*, Q4 2018

## FOCUS AREAS

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### Infrastructure Funds

Providing, owning and operating essential infrastructure is undoubtedly a complex endeavor that requires all stakeholders to deliver successfully on their ongoing responsibilities, be they to investors, lenders, contractors, governments or society more broadly, on a long-term, sustainable basis.

As custodians of critical infrastructure, we know that infrastructure funds need advisors who understand this complexity and the unique responsibility matrix that you operate in. Our depth of industry knowledge in this area, dedicated international infrastructure funds practice and understanding of the critical balance at play in infrastructure delivery models and transactions, means we can work with you to deliver ongoing and sustained success when delivering, owning or operating infrastructure assets.

We help you build investor confidence, mitigate risk, finance projects, buy and sell assets and act as good custodians of infrastructure assets. We understand the need to combine achieving the right financial returns with acting responsibly to deliver benefits to society in line with ESG drivers which are of particular importance in the infrastructure sector.

We provide pragmatic and commercial legal advice in the right place at the right time. We can operate dynamically alongside our fund clients as investment trends and requirements develop or evolve. We help you achieve value and manage both financial and reputational risks, whatever the scope of the asset, project or transaction and wherever in the world the asset is located.

Our work includes:

- consortium arrangements
- M&A processes
- acquisition finance, project finance and refinancing
- antitrust and regulatory clearances
- ongoing regulatory obligations
- structuring investments in a tax efficient way
- construction contracts
- asset management support, particularly operational matters and disputes
- restructuring and insolvency
- strategic advice
- InfraTech

Our full life-cycle and 360 degree approach to infrastructure assets means that we can assist with all of the challenges and opportunities presented by the global infrastructure investment market.

In a world where significant amounts of debt and equity are chasing too few high-quality assets, we constantly scan the horizon for the best assets for tomorrow (advising on future risks and opportunities globally) and use our industry knowledge to assist with ongoing portfolio returns and maximization of investor confidence.

Get in touch to find out how we can help you succeed.

### InfraTech

Innovation brings disruption as well as opportunity. We understand the impact of new and emerging technologies and we can help you benefit from the changes in how infrastructure and transport assets are funded, delivered and operated.

We see the prevalence of technology in our physical spaces and the ways we move around them, in the digital world, and in the delivery of infrastructure and public assets and services. Our InfraTech practice combines our infrastructure expertise with a full range of technology, telecoms and data experiences - from 5G connectivity and the internet of things to electric vehicles, drones and autonomous vehicles. This means that our InfraTech team has the experience and know-how to help you succeed.

Acting for corporates, funds, technology specialists, and banks and other lenders, our team has adopted an award-winning approach that can help you apply innovation wherever and whenever opportunity arises, including:

- 5G impacts and ultrafast fiber to the home
- network management and outsourcing
- smart metering
- smart vehicles
- telecoms
- data centres
- multijurisdictional regulatory issues covering data
- replicating physical assets through digital twinning
- applying AI to smart energy grids
- submarine cable investments
- payment systems and smart ticketing
- smart cities

We partner with clients at every stage of the InfraTech lifecycle, and recognize that success looks different for each situation.

Get in touch to find out how we can help you succeed.

## Aviation

Aviation is a sector where change is constant and new issues regularly arise - frequently on an urgent basis.

Whichever part of the sector you operate in, you need advisors who understand your business, know the market inside out and are available whenever and wherever you need them.

Our clients get all this and more from a global aviation team that works seamlessly across borders on all aviation matters, including litigation, regulatory, post-accident liabilities and M&A/ transactional.

Many aviation stakeholders are siloed from other elements of the market. We aren't, so no matter what challenge you face, the chances are that we've seen it before and delivered a solution.

Our award-winning, full-sector service is unrivalled. We act for all industry stakeholders, including:

- airlines
- insurers
- airports
- maintenance, repair and overhaul organizations
- ground handlers
- service providers
- product manufacturers
- helicopter operators
- industrial aid operators
- leasing companies
- charterers
- banks

Get in touch to find out how we can help you succeed.

## Ports and Shipping

With the shifting landscape of globalization and innovation, port and shipping operations have increased in complexity and scale. Our experienced team in the ports and shipping sector spans a range of legal disciplines, and is well-equipped to help you navigate your way through the industry and meet your needs.

We represent a full range of stakeholders in the sector, including port owners and operators, port authorities, shipping groups, shipowners and charterers, shipbuilders, lenders and financial investors. We also have extensive experience handling shipping-related disputes before courts and arbitration panels worldwide, such as disputes involving contamination, shortage and delay, charter party claims, shipbuilding and repair disputes and salvage and collision claims.

We provide advice in every aspect of the maritime industry, including:

- port concessions
- port projects, including financing, development and construction
- M&A / joint ventures
- vessel construction
- transfers and registration
- charter parties
- contracts of affreightment and bills of lading
- offshore installations
- towage, pilotage and salvage
- marine regulatory advice
- marine casualties and insurance
- maritime attachments, vessel arrests and liens

Our ports and shipping practice combines experience in every aspect of the maritime industry with our full range of services globally in transactional matters, ranging from M&A deals and joint ventures to consortium bidding, project developments, and significant financings involving maritime-related equipment and assets.

Through our global network, we are able to combine international reach and industry expertise with vital local knowledge. We can draw on these resources to advise our clients on the full range of issues in the sector so that they can achieve their objectives.

Get in touch to find out how we can help you succeed.

## Road and Rail

Whether in relation to high speed rail, conventional rail, mass transit or other passenger transportation and infrastructure, road or rail cargo, roads, highways, bridges or tunnels, or any other part of ground transport and its infrastructure, you need advisors with deep knowledge and experience of all aspects of transport systems and the drivers behind their delivery, management and regulation.

We offer extensive experience and capability in both road and rail, with lawyers who live and breathe these sectors. We work with all types of industry stakeholders worldwide, giving us deep insight into the inner workings of the entire value chain.

We apply this global best practice and commercial knowledge to offer you the right support at the precise time you need it.

This can mean helping you complete high-profile road or rail projects on time in safe and sustainable ways, avoiding commercial risks and achieving strong financial returns, or capitalizing on market opportunities through organic growth or M&A, whilst managing legal risk including procurement challenge and regulatory risk. Examples of our work include:

- franchising, concessions and operating agreements
- decarbonization strategy
- manufacture, maintenance and financing of rolling stock: we advise manufacturers, owners, operators and funders
- major infrastructure engineering: rail and highway infrastructure, including bridges, tunnels, depots, digital rail and smart motorways
- regulatory compliance
- EU rail liberalization
- InfraTech for smart cities
- transport integration (including mobility as a service)

Our lawyers work closely with governments and state bodies, public and private operators, consortia, equipment manufacturers, and cross-border freight and logistics operators.

We also advise funders and investors, building and construction firms, civil engineers, contractors, and other companies in the supply chain.

Get in touch to find out how we can help you succeed.

## Public Sector and Social Infrastructure

Advising a diverse global community in public and social infrastructure requires commercial agility and judgment combined with political intuition, reputational sensitivity, and a passion to help delivery in these vital areas.

When the delivery of new projects and provision of public services is critical, clients look to us.

Drawing on global skills and industry best practice from multiple disciplines, we work with governments, states, legislators and administrators, commercial bidders, delivery partners, investors and funders, contractors, and nonprofit organizations. We focus on the detail without losing sight of the bigger picture of public needs and private sector cooperation.

We can help at every stage of the lifecycle of a public / social asset, dealing with the issues and challenges that matter most, ensuring you achieve your goals on time and to budget, including:

- group tendering
- IT procurement
- PPP
- large infrastructure projects
- construction contracts
- regulatory compliance
- M&A
- managing public assets and infrastructure
- defense

We advise government bodies on strategy in the early stages, design smarter procurement and tendering, negotiate contracts, manage risk and help deliver value for money. We also draw on this experience to advise the private sector on how best to deal with public bodies to cooperate together and achieve mutual objectives.

## Construction

Working at all levels of the construction industry, we understand the challenges, risks and opportunities facing you in a complex sector that is crucial to infrastructure in both the developed and developing world.

Our job is to help you manage risk and balance quality with speed on projects of all shapes and sizes; from commercial office projects to complex infrastructure engineering projects like process plants and refineries.

With deep experience gained from numerous construction projects around the world, and over many decades, our lawyers advise developers, multinationals, main contractors, specialists, consultants and governments on how they can take projects forward successfully and deliver infrastructure and assets in the most efficient way.

Importantly, our teams will also provide a fast response to support you if your project is not running smoothly or if you run into any problems and disputes that need resolution.

Projects we have advised on include:

- energy
- oil and gas
- water plants and waste treatment
- renewables bridge building
- commercial

We partner with our clients at every step of a project. This includes working with a client team on the financial models that work best and seeing a project through from the planning stage, procurement, negotiation of contracts and project support through to completion of construction.

We regularly advise on project strategy before issues on projects turn into serious problems, and so help you avoid formal disputes. We believe that where a project becomes "distressed" we can help save you significant costs by being engaged early and working with the project teams to mitigate risks and maximize recoveries. If commercial resolution isn't possible, we'll help you to develop the best position and strategy to resolve the dispute.

Success looks different for each of our clients. Get in touch to find out how we can help you succeed.

## INSIGHTS

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### Publications

#### **Brexit Aviation Update - UK and US Bilateral Aviation Agreement Signed**

19 November 2020

On Tuesday, 17 November 2020 Transport Secretary Grant Shapps signed the Air Services Agreement between the UK and the US, a bilateral agreement which will safeguard air travel on some of the world's busiest aviation routes and ensure a continuity of UK-US air operations post-Brexit.

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### **Episode 3: The Future of Construction**

10 November 2020

#### **THE DLA PIPER INFRASTRUCTURE PODCAST**

In this episode, UK partners Paul Giles and Alison Fagan are joined by Suzannah Newbould in the UAE to talk about how COVID-19 is affecting the global construction sector.

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### **Planning and Environmental Journal – Issue 5**

3 November 2020

#### **PLANNING AND ENVIRONMENT JOURNAL**

Welcome to the fifth edition of DLA Piper's Planning and Environment Journal where our lawyers share their experience and knowledge of zoning and environmental issues in various jurisdictions. This edition is dedicated to logistics development in France and Hong Kong.

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### **Coronavirus: Directors' duties and making decisions in a crisis**

2 November 2020

Directors need to carefully consider how to address the risks of the ongoing Covid-19 pandemic within their business, given its impact on the global economy. As many companies are continuing to face significant, and increasing, cash flow pressure, directors should carefully consider their actions in the context of the legal framework.

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### **Assessing ESG factors in the energy sector**

27 October 2020

## [ESG HANDBOOKS AND GUIDES](#)

A reference tool for energy companies as they discuss and refine their ESG programs.

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### **Canada: Third-party litigation funding, enforcement of arbitral awards, admissibility of fresh evidence during court review**

26 October 2020

Three recent decisions.

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### **DLA Piper Collaborative Contracting and Procurement Paper 2020**

22 October 2020

The construction industry has suffered for ages from contracts and procurement processes that crudely allocate various risks resulting in misaligned incentives and consequent disputation.

It was from a desire to overcome this misalignment of interests that 'collaborative contracting' was born.

Read more in our paper.

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### **China Enforces Tax Collection on Employees Working for Chinese-invested Enterprises Overseas**

16 October 2020

With the recent IIT reform in 2019, and the introduction of a number of implementation rules (particularly the tax policy on overseas income), it appears the China tax authorities are taking a harder stance on how overseas income derived by China tax residents will be taxed in China, starting with Chinese expatriates working for Chinese state-owned enterprises.

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### **Episode 2: Sustainable Mobility**

12 October 2020

## [THE DLA PIPER INFRASTRUCTURE PODCAST](#)

In this episode, DLA Piper partner Maria Pereira and legal director Steven Gray discuss the impact of COVID-19 on sustainable mobility.

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## **COVID-19 – Galvanising your business against supply chain and customer insolvency risk**

7 October 2020

The risk of unforeseen counterparty customer or supplier financial distress and failure amidst the on-going challenges for businesses from COVID-19 means that pre-emptive legal and operational protections against the risk of heavy financial loss or business disruption from customer/supplier failure are more valuable than ever.

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## **Mass layoffs and collective redundancies guide**

6 October 2020

As COVID-19 continues to impact the global economy in unprecedented ways, companies that have had to scale back or shut down operations are bracing for what the next few months will bring, and what this means for their workforces. In this guide, we examine key considerations for employers looking to make permanent reductions in force across APAC.

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## **Episode 1: Infrastructure in a post-COVID-19 world**

22 September 2020

### **[THE DLA PIPER INFRASTRUCTURE PODCAST](#)**

In this episode, partners Martin Nelson-Jones, Colin Wilson and Howard Bassford discuss the future of infrastructure in a post-COVID-19 world.

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## **Three ESG steps to keep your project bankable in 2021**

17 September 2020

Version four of the Equator principles will take effect on 1 October 2020, and it introduces three new requirements to the international environmental and social baseline for project finance.

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## **Human rights compliance programmes in the Infrastructure, Construction and Transport sector**

10 September 2020

The risk of adverse environmental, social or human rights impacts is one that Infrastructure, Construction and Transport (ICT) businesses will be familiar with.

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## **Human rights compliance programmes: Why now?**

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10 September 2020

Businesses are increasingly required to identify and manage their involvement in adverse environmental and social impacts throughout their organisations and supply chains. Previously, drivers for developing human rights compliance programmes have included reputation risk and compliance with best practice and “soft law” standards.

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### **Litigation funding: Redressing the balance?**

10 September 2020

Inequitable risk allocation eroding profit margins; late payment creating a cash flow crisis; and an unparalleled level of scope changes has created a construction industry with a culture of chronic cost and time overruns, disputes, and mounting financial losses.

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### **Details of the second tranche of Hong Kong’s Employment Support Scheme released**

24 August 2020

On 18 August 2020 the Hong Kong government announced details surrounding the second tranche of the Employment Support Scheme. While the majority of the rules surrounding the second tranche remain largely the same as the first tranche, there are new penalties for employers who have fallen foul of a number of nebulous terms.

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### **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.

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### **Artemis Accords: New law for the moon and outer space?**

17 July 2020

NASA has recently released the Artemis Accords, aiming to establish principles to govern civil exploration and use of outer space. DLA Piper’s aerospace team explains what the Artemis Accords are, how they will be used and how they articulate with existing space law to possibly form a new law for outer space and the moon.

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### **Hong Kong Government increases statutory entitlement for maternity leave**

16 July 2020

On 10 October 2018, the Chief Executive stated in her policy address that the government proposed to increase the statutory maternity leave entitlement from ten to 14 weeks.

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### **Changes to Hong Kong anti-discrimination legislation**

30 June 2020

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Anti-discrimination laws in Hong Kong have undergone a series of changes over the past few years.

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### **COVID-19 and Aviation in Africa: An Insight**

18 June 2020

As a consequence of COVID-19 the aviation sector is experiencing a catalyst for enormous change [...] In Africa, airlines and the aviation sector must be supported if aviation is to continue to be the lynchpin that brings the world to its doorstep and with it the benefits that such an opportunity brings to the continent's economies.

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### **COVID-19 Construction Guide**

16 June 2020

This guide looks at the impact of COVID-19 on the construction sector in over 30 countries, including the latest position as jurisdictions relax their lockdown measures.

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### **Public law: How does Covid-19 impact the Flemish integrated environmental permit?**

14 May 2020

The COVID-19 outbreak has not only created an increasing need for care facilities and medical supplies, but it has also had a far-reaching impact on the ongoing procedures for granting environmental permits. In order to tackle these issues, the Flemish Parliament voted on an emergency decree on 18 March 2020.

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### **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.

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### **COVID-19: New York and Other Northeast Council states take phased approach to reopening economy**

6 May 2020

These developments raise a number of immediate questions and considerations for businesses operating in the region.

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### **COVID-19: a practical guide to 19 questions from the GCC construction industry**

4 May 2020

The COVID-19 pandemic and its consequences continue to have a profound impact on the GCC construction industry. This FAQ

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guide summarises some of the high-level guidance we've provided to the region's leading developers and contractors in relation to the consequences of COVID-19 on their construction projects.

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### **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.

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### **Infrastructure in a post-COVID-19 world**

28 April 2020

Infrastructure is famously prized by investors for stability and predictability – COVID-19 has turned this on its head in the short term and undoubtedly will have a huge impact on the sector in the longer term. At the same time, it will create significant opportunities for investors and other stakeholders. Attitudes to risk and how it is shared may well have changed due to COVID-19 and its impact, but in reality will investors and lenders turn their backs on infrastructure as an asset class? Unlikely.

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### **Breaking mega projects into smaller contract packages – a fraught response to a fraught market**

24 April 2020

In response to Australia's fraught construction market for major civil construction works, project owners and contractors are adopting various strategies. One of the most common is breaking mega projects into smaller contract packages, however, what exactly are the benefits and risks?

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### **Fibre broadband networks – an investor's introduction**

24 April 2020

Infrastructure and institutional investors are increasingly turning their attention towards digital infrastructure assets and the global rollout of fibre broadband (in particular fibre to the home (FTTH)) is seen as an essential component of digital transformation and as providing a large-scale pool of investment opportunities.

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### **Projects Global Insight Issue 3, 2020**

24 April 2020

#### **PROJECTS GLOBAL INSIGHT**

Contributing to a sustainable future is more important than ever during these uncertain and testing times. Infrastructure and public services are under particular pressure, especially in terms of what can be done to make them more resilient, yet adaptable.

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## Responding to a fraught civil construction market

24 April 2020

The contracting market for major civil construction works on Australia's east coast has become fraught - for project owners, major contractors, and the rest of the supply chain. Projects have become more complex and expensive, yet despite rising contract values, contractors struggle with profitability. So, what strategies are being considered?

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## European Commission relaxes State aid rules to counter economic impact of COVID-19

15 April 2020

### [ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)

On 19 March 2020, the EU's Competition Commissioner Margrethe Vestager presented the Commission's "Temporary Framework for State aid measures" to help businesses get access to the liquidity and financial support they require to survive the economic crisis caused by the COVID-19 outbreak

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## Paradigm Change in Germany's Foreign Direct Investments (FDI) Law

14 April 2020

Germany's FDI rules so far had a reputation of not being very strong. In the past few years, only three transactions have been prohibited. This is set to change under a new bill.

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## COVID-19: New York State provides new guidance on essential businesses

13 April 2020

The Guidelines raise a number of immediate questions and considerations for New York businesses.

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## UK government to provide additional financial support measures for mid-market business impacted by COVID-19

9 April 2020

On 3 April 2020 the Chancellor announced a new scheme for larger companies, with the creation of the new Coronavirus Large Business Interruption Loan Scheme (CLBILS) to ensure that more firms are able to benefit from government-backed support during this difficult time.

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## 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.

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## Coronavirus - Mitigating supply chain and customer insolvency risk (Canada)

7 APR 2020

The on-going impact of the COVID-19 outbreak could have a significant impact on your global supply and customer chains.

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## **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.

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## **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.

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## **Transportation provisions of the CARES Act, the federal COVID-19 relief and economic stimulus law**

3 April 2020

The Act targets substantial assistance to certain transportation businesses and their employees.

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## **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.

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## **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.

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## **Coronavirus: Flemish emergency decree to increase capacity of hospitals and secure permit proceedings**

31 March 2020

COVID-19 does not only create an increasing need of care facilities and medical supplies, but also has a far-reaching impact on ongoing permitting procedures. In order to tackle these issues, the Flemish Parliament voted on 18 March 2020 an emergency decree which we will discuss in this publication.

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## **Coronavirus COVID-19 and the extension of the Consortia Block Exemption Regulation**

30 March 2020

**[ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)**

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The European Commission has decided to prolong the block exemption for liner shipping consortia.

In line with its proposal, the Commission announced on Tuesday 24 March a second extension of Regulation 906/2009, known as the Consortia Block Exemption Regulation (CBER),<sup>1</sup> until 25 April 2024.<sup>2</sup>

We have provided further details and some hints as to how this will play out in the current coronavirus COVID-19 crisis.

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## **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.

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## **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.

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## **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.

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## **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.

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## **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.

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## **Coronavirus and construction: Q&A (United States)**

19 March 2020

With the coronavirus disease (COVID-19) reaching pandemic levels across the world, construction industry clients have been particularly focused on how the outbreak will impact their ongoing and future developments.

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## **Building tomorrow’s infrastructure**

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17 March 2020

What does the future look like for infrastructure as a whole?

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## 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.

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## Introducing the DLA Piper Project Simulator

17 March 2020

One of the most critical challenges faced by our global society is developing high-quality, sustainable infrastructure. To help businesses meet this challenge, DLA Piper has collaborated with leading strategy consultancy BTS to create **The DLA Piper Project Simulator (DPS)**, an interactive training tool.

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## Real Estate Gazette: Operational Real Estate

17 March 2020

### [REAL ESTATE GAZETTE](#)

Operational real estate is a rising star in the real estate investment market. One element that makes this asset class so interesting is the various sub sectors it covers, each calling for specialist experience and practical know-how in both commercial and legal terms.

That diversity is reflected in this issue, we hope you enjoy it.

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## Coronavirus and hotel lockdowns: Who foots the bill when hotels are placed under quarantine? (Europe, Asia Pac)

12 March 2020

For hotel owners and operators already facing nosedives in revenue, the corresponding guest costs, whether over a daily, weekly or monthly basis, can be significant. So who's picking up the tab resulting from these quarantines, and what can hotel owners and operators do now to limit their possible economic exposure later?

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## Eco-friendly practices and sustainability – a priority consideration in hotel operations

26 February 2020

DLA Piper recently co-hosted a roundtable lunch with PKF to discuss sustainability in the hospitality industry.

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## Coronavirus COVID-19 and corporate governance (Australia)

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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.

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### **An update on the impact of the coronavirus on business in Singapore**

12 February 2020

Due to the evolving 2019-nCoV acute respiratory disease (the COVID-19) situation, the Ministry of Health (the MOH) and the Ministry of Manpower (the MOM) have, since January 2020, issued advisories which employers will need to be aware of. In particular, the MOH and MOM have, since our last update on February 12 2020, updated and issued new advisories due to the increased risk of importation of COVID-19 into Singapore.

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### **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.

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### **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.

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### **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.

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### **Flexing PPPs**

10 February 2020

This paper considers how governments can manage this vulnerability when contracting under a PPP contract. It also considers

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whether alternative contractual models might provide government with better value for money over the longer term.

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### **Novel coronavirus (2019-nCoV) – potential effects on international arbitration, sale of goods, shipping and shipbuilding (AsiaPac)**

10 February 2020

The current outbreak of novel coronavirus (2019-nCoV) is causing widespread concern. This article will discuss the potential impact on international arbitration, sales of goods, shipping and shipbuilding contracts.

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### **Construction delays arising out of the Novel Coronavirus outbreak (AsiaPac)**

7 February 2020

Since the first case of coronavirus was confirmed in Hong Kong in early February 2020, the government has imposed various measures in an attempt to contain the spread of the coronavirus. The resulting impact of the novel coronavirus is far-reaching and affects every industry and business in Hong Kong. This alert considers some of the key issues that construction contractors and developers in Hong Kong may face. If you need any specific advice, please contact May Ng or Sandy Au for further details.

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### **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.

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### **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.

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### **Harsher penalties on discriminatory employment practices in Singapore**

29 January 2020

The Fair Consideration Framework was updated in January 2020 to impose harsher penalties on employers found to be engaging in discriminatory practices such as by favouring the hiring of foreigners over Singaporeans.

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## China extends holidays for workers amid coronavirus outbreak (China)

28 January 2020

Learn about how the widely publicised corona virus outbreak affects business in Greater China.

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## EU launches preparatory work for a global sanctions regime for human rights violations

17 December 2019

On 9 December 2019, High Representative/Vice-President of the European Union Josep Borrell announced that the Foreign Affairs Council has agreed with strong consensus to start the preparatory work for a global sanctions regime to address serious human rights violations.

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## The changing face of the Asia Pacific LNG market: Trending away from oil linked pricing and long-term contracts

15 December 2019

The market in the Asia Pacific region has traditionally been underpinned by contract structures based on crude oil linked prices and long-term offtake. These contract structures are changing – what pricing and contract duration trends are to be expected?

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## Global bribery offenses guide

4 December 2019

In recent decades, improved standards in the identification and enforcement of international bribery offenses have provided the backdrop to a growing appreciation and management of bribery risk within the business community.

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## New European Commission Assumed Office on 1 December 2019

2 December 2019

The new leadership of the European Commission has officially assumed office yesterday, Sunday, 1 December 2019, for a five-year term. The newly assembled College of Commissioners obtained a comfortable majority in an approval vote in the European Parliament plenary session on Wednesday, 27 November 2019.

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## Prompt payment and adjudication have arrived in Ontario

17 OCT 2019

The second phase of Ontario's *Construction Act* reform has finally taken effect - as of October 1, 2019. Ontario construction contracts that meet the applicable transition test will now be governed by the new prompt payment and adjudication regime in the province. In addition, the Authorized Nominating Authority ("ANA") responsible for administering and overseeing the adjudication of construction disputes has now been established under the name, "Ontario Dispute Adjudication for Construction Contracts" or "ODACC".

This bulletin is an updated and supplemented version of a summary we published in April 2019, which takes into account these most recent developments. Please also look out for a further update on similar proposals and legislation across the country, which will be posted shortly.

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## **Brazilian federal government issues decree regulating arbitration in disputes between Public Administration and transport and logistics sectors**

1 October 2019

The Brazilian federal government recently issued a decree regulating arbitration of disputes involving the Public Administration and relating to infrastructure projects – ports, roads, railways, waterways and airports.

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## **Treasury Department proposes regulations comprehensively implementing FIRRMA and reforming CFIUS national security review**

19 September 2019

The proposed regulations affect non-controlling investments involving critical technologies, critical infrastructure, and sensitive personal data; and transactions involving real estate near sensitive national security facilities.

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## **Coal, iron ore, LNG... Hydrogen?**

20 August 2019

Hydrogen shows potential to become new export industry down under.

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## **Key themes in distressed projects**

20 August 2019

Issues and challenges facing global infrastructure projects, and a look at possible solutions and mitigations.

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## **Projects Global Insight Issue 2, 2019**

20 August 2019

### **PROJECTS GLOBAL INSIGHT**

One of the key trends in this issue is growing interest in sustainable, resilient and regenerative projects. This is driven by the heightened awareness and concern surrounding global warming and climate change and, arguably, a lack of funding following the global financial crisis.

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## **Vendor financing for stage 1 of the bridge power project in Ghana**

20 August 2019

Case study of unique, limited-recourse vendor financing for combined cycled gas turbine power project in Ghana. The vendor financing for this project won the Best Financial Structure Silver award and Best Utilities Project Gold award at the Partnerships Awards 2019.

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## **Building information modeling and the Internet of things in the commercial real estate market**

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26 July 2019

The commercial real estate market is constantly evolving, and the emergence of new technology tools has brought radical change to the sector. At the forefront of such tools, Building Information Modeling (BIM) and the Internet of Things (IoT) are most likely to leave a significant imprint on the market in the coming years.

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### **Fewer restrictions on the acquisition of agricultural land**

26 July 2019

In 2019 we celebrate the 15th anniversary of Poland's accession to the EU. In this period, Poland's economy has strengthened significantly and its real estate market remains strong due to the country's location in the heart of Europe, its excellent economic performance, and the availability of a well-trained workforce, combined with historic low interest rates. These conditions provide for excellent opportunities for foreign investment, which is growing year by year.

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### **The benefits of blockchain technology in construction**

26 July 2019

Denmark is currently ranked as the country with the highest digitalization in the EU. The construction industry, however, still lags behind. In fact, construction is among the least digitized sectors in Denmark, even though the building stock constitutes a very large socio-economic asset, with values from investments amounting to approximately 45% of the total investments in the Danish economy.

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### **Ethiopian Communications Service Proclamation**

3 July 2019

The Communications Service Proclamation, which was adopted by the Ethiopian Parliament recently, introduces a number of major changes into the Ethiopian telecom sector. A brief explanation of the major changes is provided below together with some commentary from DLA Piper's telecoms team.

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### **Goods vehicle operators' licenses in an insolvency context**

25 June 2019

When dealing with a goods vehicle operator in an insolvency context: early engagement with the Traffic Commissioner is crucial; directors should be proactive in informing the Traffic Commissioner of a material change in circumstances (e.g. a change in the company's financial standing, which extends to launching a company voluntary arrangement (CVA)); and insolvency practitioners should engage as early as possible with the Traffic Commissioner and build such engagement into their contingency planning.

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### **New EU Regulation safeguarding fair competition - Milestone for EU air carriers**

22 MAY 2019

On 10 May 2019, the EU regulation on safeguarding fair competition in international air transport was published in the Official Journal of the EU (Regulation (EU) 2019/712 of the European Parliament and of the Council of 17 April 2019). The Regulation aims at ensuring fair competition between EU and non-EU air carriers.

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### **EU Impact - Issue 4/2019**

10 MAY 2019

With only two weeks left until the European elections of 23-26 May 2019, Europeans find themselves at the beginning of a months-long period of crucial transformations that are expected to significantly impact citizens and businesses in the medium- and long term.

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### **The "Plaza Ban" regulation in Hungary**

23 APR 2019

In August 2018, the Hungarian government adopted Government Decree No. 143/2018 (VIII. 13) on the detailed rules applicable to the change of designated purpose procedure, which further strengthened the regulation known as the "Plaza Ban." In particular, it extended the scope of the strict rules prohibiting shops and shopping malls (referred to collectively here as "retail buildings") with a gross floor area of over 400 sq.m.

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### **Getting ready for Ontario's new *Construction Act***

2 APR 2019

Industry observers in Ontario are now well aware of the scope of the changes introduced through the amendments to the old *Construction Lien Act*, giving us what is a dramatically different piece of legislation – the *Construction Act*. However, becoming familiar with these significant changes and implementing them in practice are two very different undertakings. With prompt payment and adjudication now around the corner, a refresher is therefore in order.

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### **EU Impact - Issue 3/2019**

29 MAR 2019

Monthly update on the latest EU policy and regulatory developments relevant for your sector

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### **Significant Romanian tax changes in 2019**

31 JAN 2019

Following the adoption of new tax legislation (GEO 114/2018) in Romania late last year, the new year has brought significant changes to the tax regimes in certain sectors. Taxpayers operating in these sectors should take note of the 2019 changes while dealing with the impact of the implementation of the EU's Anti-Tax Avoidance Directive in Romania.

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### **Building sports stadiums in Germany: understanding the legal framework**

10 JAN 2019

Sporting events, especially football events, have always enjoyed particular popularity in Germany. In the course of the Football World Cup in 2006, a stadium construction boom took place, and since then stadiums in cities such as Frankfurt, Hamburg and Berlin have been either refurbished or newly built.

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## **Inconsistent dispute resolution clauses - when should the "one-stop shop" give way to gravity?**

27 DEC 2018

Where, in complex commercial arrangements, there is a multiplicity of agreements, problems associated with inconsistencies between them abound. That can have significant consequences, particularly where there is an inconsistency between dispute resolution provisions in different but related contracts.

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## **Projects Global Insight Issue 1, 2018**

19 December 2018

### **PROJECTS GLOBAL INSIGHT**

Welcome to DLA Piper's Projects Global Insight. In this twice-yearly global insight, we seek to share the knowledge we've gained and put the spotlight on some of the most innovative, market-leading transactions we have been involved in.

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## **The Standard ICC Arbitration Clause - Invalid in Russia?**

29 NOV 2018

On 26 September 2018 the Russian Supreme Court upheld the decisions of two lower instances rejecting the recognition and enforcement of an ICC arbitral award in the Dredging and Maritime Management SA v. InjTransStroy AO dispute.

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## **US commits \$7B to ambitious Power Africa initiative**

2 JUL 2013

A new initiative aiming to double access to power in sub-Saharan Africa

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## **EVENTS**

### **Previous**

## **EDPB recommendations for safeguarding data transfers after Schrems II**

19 November 2020

Webinar

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## **Planning for an Uncertain World**

16 November 2020

### **TECHLAW EVENT SERIES**

Webinar

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**“Collaborative contracting and procurement: a better way?”**

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4 November 2020  
Webinar

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#### **TechLaw**

31 July 2020  
[TECHLAW EVENT SERIES](#)

Webinar

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#### **COVID-19 and construction: touching all the bases now**

14 April 2020 | 1:30 – 2:30 ET  
Webinar

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#### **TechLaw**

5 March 2020  
[TECHLAW EVENT SERIES](#)

Sydney

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#### **TechLaw**

3 March 2020  
[TECHLAW EVENT SERIES](#)

Melbourne

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#### **TechLaw Event - "M&A for the New Digital Economy"**

7 March 2019  
[TECHLAW EVENT SERIES](#)

Amsterdam

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#### **TechLaw Event - Online platforms - beyond playing innocence?**

17 January 2019  
[TECHLAW EVENT SERIES](#)

Amsterdam

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#### **TechLaw London 2018**

5 December 2018  
[TECHLAW EVENT SERIES](#)

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## NEWS

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### **DLA Piper advises Katoen Natie on the acquisition of Nijhof Wassink**

7 July 2020

DLA Piper has advised Katoen Natie, an international logistics service provider and port operator, on the acquisition of the warehousing activities of Nijhof-Wassink in Poland, a family-owned company specialising in logistics.

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### **DLA Piper announces partnership promotions for 2020**

30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

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### **DLA Piper advises Eiffage and JOHANN BUNTE consortium on Germany's largest ever motorway PPP**

14 April 2020

DLA Piper has successfully advised the consortium A3 Nordbayern with its shareholders Eiffage S.A. and JOHANN BUNTE Bauunternehmung GmbH & Co. KG on the financing of Germany's largest PPP project in the motorway sector.

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### **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.

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### **Investors expect boom in European data centres in the next two years**

3 December 2019

The vast majority (92%) of debt and equity investors surveyed expect the overall value of investment into Europe's data centre infrastructure to increase over the next 24 months, according to research commissioned by DLA Piper and published today.

Data centres are used by organisations for the remote storage, processing and distribution of large amounts of data and are currently estimated to use 3-4% of world's power<sup>1</sup>. According to DLA Piper's report *European Data Centre Investment Outlook: Opportunities and Risks in the Months Ahead*, investors anticipate an investment increase in data centres of between 10% and

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29% over the next two years.

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## International Arbitration lawyers selected by Who's Who Legal

7 Jan 2019

We are delighted that Who's Who Legal, a directory of the "foremost legal practitioners in business law, based upon comprehensive, independent research among general counsel and private practice lawyers worldwide," has selected fifteen DLA Piper lawyers for its latest edition covering arbitration and construction.

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## Sustainability and ESG

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The growing importance of Environmental, Social and Governance concerns in the sphere of infrastructure, construction and transport is evident around the world. We expect to see a continued increase in investment into sustainable initiatives as companies introduce ESG policies and procedures to drive responsible infrastructure across the entire life cycle of projects.

ESG is central to the delivery of high-quality infrastructure, construction and transport projects everywhere. Forward-looking companies in the sector are already placing it at the core of responsible delivery. They are viewing every decision, action and initiative through the ESG lens in order to drive responsible engagement and sustainable infrastructure projects.

### INFRASTRUCTURE

Responsible investment throughout the life cycle of infrastructure is key. Responsible and sustainable investment choices affect not only the world around us now, but the future of our infrastructure, sustainable development and communities. The United Nations' Sustainable Development Goals highlight the importance of investment in infrastructure to increase productivity and incomes, as well as deliver improvements in health and education outcomes. However, the G20-backed Global Infrastructure Hub has identified a \$15 trillion gap in the \$94 trillion investment that will be needed by 2040 to fund global infrastructure. It is incumbent on us all to share knowledge and facilitate best practice discussions to assist with delivering this objective, with ESG at the very heart of our engagement.

### CONSTRUCTION

The Construction sector has a huge impact on our environment, contributing significantly to greenhouse gas emissions, creating many types of pollution and destroying natural habitat. With SESG agendas now a driving factor for both businesses and government, Construction needs to take short-term environmental and long-term climate factors into consideration during the project optioneering phase, through the use of detailed KPIs which are viewed through an ESG lens, including developing new techniques for the construction phase. The focus needs to extend across all aspects of construction, including in the procurement of materials, building green certified buildings to improve energy efficiency, considering carbon footprint on major engineering projects and investing in projects which can provide long-term community benefits.

### TRANSPORT AND MOBILITY

Economies require a considerable amount of mobility to keep growing and thriving, but this mobility creates a large proportion of the world's global emissions. Today, we are seeing a significant focus on reducing emissions and ensuring that essential mobility is sustainable. This includes a shift to more energy-efficient means of transport and clean energy sources for road and rail, as well as improvements in mass transit, to move people around more efficiently, and ride-sharing, to reduce the number of journeys taken. Electric mobility and smart cities are just some of the key trends we are seeing which are helping to lower energy usage and carbon impacts, while integrating renewable sources and energy efficiency into transportation. This is also fertile ground for new technologies and innovation. In the aviation industry, ESG is finding ways to extend beyond reducing carbon emissions from aircraft. The financing, leasing and building of modern aircraft as well as how we expand airports and travel to and from our airports are also key considerations for sustainable development in this sector.

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To discuss the implications of these issues for your business, please contact our ESG leaders.