



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
- Ranked Band 1 in *Chambers Canada 2020* - Transportation: Road and Rail

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- 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

ÁREAS EN LAS QUE TRABAJAMOS

Digital Infrastructure

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 Digital Infrastructure 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 Digital Infrastructure team has the experience and know-how to help you succeed.

Acting for corporates, funds, technology specialists, 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 digital infrastructure lifecycle, and recognize that success looks different for each situation.

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

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.

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.

NOVEDADES

Publicaciones

Commodities News and Trends

20 September 2021

COMMODITIES NEWS AND TRENDS

Brazil and Argentina lead the way in biofuels; CFTC: we will support transition to a low-carbon economy; is the end in sight for the shale-driven pipeline building boom?

White House announces plan to substantially expand introduction of sustainable aviation fuel

15 September 2021

Key details.

Lexology GTDT: Market Intelligence - Shipping - Russia edition

13 September 2021

DLA Piper is delighted to have contributed a chapter on Russia to the Lexology Getting The Deal Through - Market Intelligence - Shipping 2021 edition first published in September 2021.

New workplace sexual harassment laws passed – (some) Respect@Work recommendations become law

8 September 2021

After months of anticipation, the Australian Federal Government's Sex Discrimination and Fair Work (Respect at Work)

Amendment Act 2021 has now passed both houses of Parliament. The amendment contains important reforms to address workplace sexual harassment.

Data privacy and security within smart cities

7 September 2021

TECHLAW PODCAST

Episode 43 of our TechLaw podcast series features Principal Analyst for Thematic Research at GlobalData, David Bicknell, in discussion with our Amsterdam-based Senior Associate, Floris de Wit. Their conversation focuses on the delicate balance of keeping populations safe when it comes to data privacy and cyber security, but also adopting innovative measures that move smart cities forward to take advantage of new technology. Don't forget to join us on the 5th October 2021 at our fifth European Technology Summit where David will continue the conversation on the smart cities of tomorrow. Register your interest at our fifth European Technology Summit on the 5th October 2021.

DLA Piper TechLaw Podcast Series · Data privacy and security within smart cities

Smart Cities and the future of Real Estate

25 August 2021

TECHLAW PODCAST

In podcast 42 of our TechLaw podcast series, Jeroen Lokerse, Head of the Netherlands at global real estate firm, Cushman & Wakefield, joins DLA Piper Partner, Daphne Bens, to talk about the population explosion and its impact on the creation of smart cities that provide habitable, sustainable and safe spaces to live and work. They also discuss the crucial role urban development and real estate plays in the transformation of these areas. Jeroen will be joining the smart cities panel at our fifth European Technology Summit, taking place on the 5th October 2021. Register your interest at our fifth European Technology Summit on the 5th October 2021.

DLA Piper TechLaw Podcast Series · Smart Cities and the future of Real Estate

The impact of the European Commission's Fit for 55 legislative package on Aviation

23 July 2021

The devastating impact of the COVID-19 pandemic on the aviation industry will reset the trajectory of the sector for many years to come. With the COVID-19 pandemic, sustainability is emerging from the ashes as the building blocks on which the entire sector will be rebuilt, from investors, operators, manufacturers and the vast supply chain that supports the sector.

Third time lucky: Triple Point in the Supreme Court

20 July 2021

The Supreme Court has handed down its long awaited decision on the question of whether delay liquidated damages (LD) provisions survive termination. The case related to a dispute between the parties as to how delay LD provisions apply where an English law contract is terminated prior to its completion, and the interpretation of contractual wording seeking to limit liability.

The DLA Piper Project Simulator – one year on

2 July 2021

Over the past year, we have delivered The DLA Piper Project Simulator to many of our construction, engineering and infrastructure clients, over a virtual platform, and client feedback has been overwhelmingly positive.

Digital infrastructure in a post-pandemic world

01 July 2021

TECHLAW PODCAST

In episode 39 of our TechLaw podcast series Sean Williams, Chairman of London-based fibre networks, G.Network Communications and Grain Connect Limited, joins DLA Piper partner, Mike Conradi, to discuss the recent explosion in demand for fibre networks in light of the pandemic. This fascinating exchange sheds light on the ever growing need for stable and resilient broadband connectivity along with the investment opportunity it presents over the next five years. Join Sean and Mike as they continue the conversation at our fifth European Technology Summit on the 5th October 2021.

DLA Piper TechLaw Podcast Series · Digital infrastructure in a post-pandemic world

Global M&A Intelligence Report 2021

23 June 2021

Our annual Global M&A Intelligence Report is based on an analysis of key deal terms in over 3,200 private M&A transactions on which we advised since 2015.

It's all about the money: key changes to the construction retentions regime

18 June 2021

Reformas en el marco jurídico de los energéticos en México y mecanismos de impugnación

4 de junio de 2021

La Contrarreforma Energética incluye cambios en la regulación cuyo propósito es devolver el poder monopólico a CFE y Pemex.

Announcing our global guide to Corporate Power Purchase Agreements

3 June 2021

At a time when sustainability and environmental issues are coming to the fore, PPAs remove a significant roadblock to financing and building new renewable facilities and help to deliver more renewable energy on the grid.

Multi-jurisdiction guide for screening foreign investments

26 May 2021

The aim of this guide is not to substitute proper due diligence and specialized advice when conducting business, it will hopefully help the reader navigate the different FDI regimes. Particularly in this complex context and in view of the proliferation of new regimes, by explaining the key aspects of regimes including main issues to consider, thresholds and proceedings to take into consideration when investing in our globalized world.

The role of external construction counsel

14 May 2021

A common reaction to hearing that someone is a “construction lawyer” is the assumption that this must be a very narrow and focused role. In this article written for the *Construction Law Letter*, Howard Krupat shows that often the opposite is true, and that the responsibilities of a construction lawyer are as varied as the range of projects within the construction industry and even the lifecycle of a particular project.

The Russia sanctions and their impacts on commodities companies: Action steps for companies engaged in transactions with Russian gas and energy companies

11 May 2021

Implications of key provisions in President Biden's Executive Order.

US government announces sweeping sanctions against Russia

16 April 2021

The newly imposed sanctions represent a significant escalation and addition to the sanctions architecture put in place by the Obama and Trump Administrations.

Public-private partnerships for infrastructure investment: a global perspective

18 March 2021

In a new global report, produced in partnership with Global Infrastructure Investor Association (GIIA), DLA Piper assesses the case for PPPs, backed by multijurisdictional analysis from our projects and infrastructure lawyers around the world as well as insight from leading infrastructure investors who are fellow members of the GIIA.

Imminence does not mean haste

4 March 2020

EU SUSTAINABLE FINANCE

Sustainability and ESG stewardship are at the forefront of investment managers' and investment funds' agendas under the combined pressure of investors and as a result of several important pieces of regulation becoming live. SFDR is one of them. It will become applicable in phases, the first deadline being as early as 10 March 2021.

Building and Construction security of payment regime

15 February 2021

In the recent decision of *Civil Contractors (Aust) Pty Ltd v Galaxy Developments Pty Ltd*, the Queensland Court of Appeal has provided important guidance to principals, contractors and adjudicators on the strict requirements of the security of payment regime, including the strict time limit that applies to the delivery of adjudicators' decisions. The decision may have serious practical consequences for adjudicators where decisions given late can be void on the basis of being out of time and therefore without jurisdiction, and in those instances adjudicators will not be entitled to their fees. The decision also serves as a useful reminder to contractors to be appropriately licenced and to understand the potential payment implications for licencing issues.

Corruption Perceptions Index 2020 - a regional perspective

11 February 2021

Last week Transparency International launched the 2020 edition of its Corruption Perceptions Index (CPI), which ranks 180 countries and territories by their perceived levels of public sector corruption, according to experts and business people, using a scale of zero to 100 (100 being very clean and zero being highly corrupt).

Boardroom Brexit: What the deal means for trade in goods

31 December 2020

BOARDROOM BREXIT

What will the Trade and Cooperation Agreement mean for tariffs and quotas, rules of origin, technical barriers to trade, customs and product standards

Boardroom Brexit: What the deal means for transport

31 December 2020

BOARDROOM BREXIT

There will be continued market access rights for UK and EU road haulage operators, while under the TCA, UK and EU air carriers will continue to enjoy flyover rights and operating rights on routes between the UK and EU. However, UK carriers will not be able to operate cabotage routes in the EU (and vice versa)

US DOT issues groundbreaking proposals for regulation of automated driving systems, seeks input

11 December 2020

The rulemaking initiates an important new chapter in autonomous vehicle development and commercialization in the US.

Oil and gas operations in Latin America

3 December 2020

Addressing key operational and commercial challenges that are unique to Latin America.

5G Contracts: Features and challenges of the new Colombian infrastructure programs

30 November 2020

Historically, relied on as an anti-cyclic economic boost, infrastructure development has found a renewed role in reactivating the Colombian economy recently affected by the COVID-19 pandemic. The Colombian government's launch of the 5G concession program sets forth an opportunity to reactive the Colombian economy.

Brazil's new basic sanitation legal framework

30 November 2020

In July 2020, Brazil's New Sanitation Legal Framework was approved. It aims at the universalization of sanitation and water supply in Brazil by 2033 by attracting investment of USD128 billion. The new regulatory framework is expected to transform the nation's water and sanitation sector, creating a business environment with more competition and legal certainty, and fostering domestic and foreign private investment in the sector.

Cost plus fee contracts in the era of COVID-19

30 November 2020

COVID-19 has changed the certainty of many areas in the economic spectrum. For construction contracts it has affected its most important variables: cost and time. In this context, cost plus fee contracts can be used as a way to prevent, mitigate and backstop distressed infrastructure projects, since they permit the parties to undertake projects that involve substantial uncertainties.

Projects Global Insight Issue 4, 2020

30 November 2020

[PROJECTS GLOBAL INSIGHT](#)

In what is undoubtedly one of the most testing periods for the infrastructure and construction industry, key stakeholders continue to focus on delivering resilient, adaptable and fit-for-purpose assets and services in extremely challenging conditions.

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.

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.

Planning and Environment 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.

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.

Arbitraje Internacional – Canadá

26 de octubre de 2020

Tres decisiones judiciales recientes en Canadá.

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.

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.

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.

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.

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.

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.

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.

DLA Piper achieves a successful result in *Auctus Resources Pty Ltd v Commissioner of Taxation* [2020] FCA 1096

5 August 2020

DLA Piper's tax team has been successful in representing its client, the taxpayer, in *Auctus Resources Pty Ltd v Commissioner of Taxation* [2020] FCA 1096. The case relates to specific tax assessment and tax recovery powers of the Commissioner of Taxation relating to an R&D tax offset refund in the 2013 income year. It is also a reminder to legal practitioners to raise all grounds and contentions during the hearing. This article will explore these issues in further detail.

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.

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.

Changes to Hong Kong anti-discrimination legislation

30 June 2020

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

Australia tightens rules on foreign investment

17 June 2020

In this article we summarise the tax-related developments from early June 2020, as Australia takes a more stringent approach towards compliance procedures involving foreign investments.

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.

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.

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.

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.

Breaking mega projects into smaller contract packages – a freight response to a freight market

24 April 2020

In response to Australia's freight 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?

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.

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.

Responding to a freight 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?

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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

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),¹ until 25 April 2024.²

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

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.

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.

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.

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.

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.

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.

Building tomorrow’s infrastructure

17 March 2020

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

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.

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.

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.

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?

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.

Coronavirus COVID-19 and corporate governance (Australia)

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.

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.

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.

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.

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.

Flexing PPPs

10 February 2020

This paper considers how governments can manage this vulnerability when contracting under a PPP contract. It also considers whether alternative contractual models might provide government with better value for money over the longer term.

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.

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.

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.

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.

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.

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.

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?

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.

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.

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.

US commits \$7B to ambitious Power Africa initiative

2 JUL 2013

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

EVENTOS

Reciente

Embracing Digital Evolution

15 September 2021

Webinar

Biden’s Climate Summit - what changes can we expect and how could those impact COP26?

27 April 2021

Webinar

Transforming UK Public Procurement: The Good, the Bad and the Ugly?

2 March 2021

Webinar

EDPB recommendations for safeguarding data transfers after Schrems II

19 November 2020

Webinar

“Collaborative contracting and procurement: a better way?”

4 November 2020
Webinar

COVID-19 and construction: touching all the bases now

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

NOTICIAS

DLA Piper advises Macquarie Asset Management in establishment of a road infrastructure investment fund with Odinsa

7 September 2021

DLA Piper Martinez Beltran represented Macquarie Asset Management in the establishment of a strategic alliance between Macquarie Infrastructure Partners V, an infrastructure fund managed by Macquarie Asset Management, and Odinsa, the road and airport concession subsidiary of Grupo Argos, for the creation of an investment platform that will manage Odinsa’s current road assets in Colombia with a consolidated valuation of US\$1.15 billion.

DLA Piper advises Puerto Rico Aqueduct and Sewer Authority in its issuance of US\$1.4 billion of Series 2020A and 2020B senior lien revenue refunding bonds

8 January 2021

DLA Piper represented the Puerto Rico Aqueduct and Sewer Authority (PRASA) in its issuance of US\$1.4 billion of Revenue Refunding Bonds, Series 2020A (Senior Lien) and Federally Taxable Revenue Refunding Bonds, Series 2020B (Senior Lien).

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.

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.

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.

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 power¹. 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 29% over the next two years.

Sustainability and ESG

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 ESG 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.

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