



## Projects, Energy and Infrastructure

DLA Piper's Projects, Energy and Infrastructure team has a track record of successfully delivering first-rate legal services in all segments of the infrastructure and energy industries. We advise on energy law, infrastructure finance, transport matters and more.

Our lawyers understand the commercial, strategic, technical, geographical and political factors that shape and impact these industries, as well as the business issues and risks inherent when working in these sectors. Our market leading presence also allows us first-hand access to contacts, sponsors and key decision makers worldwide.

### CAPABILITES

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The group represents sponsors, contractors, multilateral institutions, corporations, developers, equity investors, financial institutions, governments, utilities and regulatory bodies in the procurement, development, financing, acquisition, construction and operation of a wide range of complex infrastructure and energy projects on nearly every continent.

These projects include:

- Power generation from natural gas, coal, petroleum and, renewables
- Pipelines
- Drilling platforms
- Transmission networks
- Mining facilities
- Defence and security projects
- Waste projects and resource recovery facilities
- Telecommunications networks
- Vessels
- Ports
- Airports
- Highways, toll roads and bridges
- Transportation systems including airports, heavy rail, light rail and bus
- Water supply and waste water systems

### KEY CONTACTS

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### RELATED SERVICES

- Environment, Health and Safety
- Financial Services  
Regulatory
- International Corporate  
Reorganizations

### RELATED SECTORS

- Energy and Natural  
Resources

- Accommodation and healthcare facilities
- Sports, tourism and entertainment facilities

## INSIGHTS

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### Publications

#### **The Energy Transition: The impact of Covid-19 and moving to a net-zero economy**

26 May 2020

On 19 March 2020, Adrian Del Maestro, global research director with PwC Strategy&, presented to DLA Piper's International Energy and Natural Resources sector lawyers on the immediate impact of COVID-19 and challenges of moving to a net zero economy.

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#### **Mexican renewable energy projects affected by new measures**

19 May 2020

Foreign investors in wind and solar electricity generation facilities in Mexico may wish to consider their rights and potential remedies under applicable investment instruments.

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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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#### **Are high voltage DC networks the future of electricity distribution?**

29 April 2020

In the late 19th century direct current (DC) electricity supply networks were promoted by Thomas Edison as a purportedly safer alternative to alternating current (AC) which was championed by George Westinghouse for use in high voltage street arc lighting and which caused many fatalities.

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#### **A discussion of California plugging and abandonment rules**

27 April 2020

Requirements for onshore oil and gas wells in California, as well as ties among these requirements and bankruptcy.

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#### **EPA and CalEPA guidance on field activities during COVID-19 focuses on agency communication, deadlines and flexibility**

24 April 2020

EPA wishes individual regions to communicate directly with their regulated communities to ensure reasonable expectations for ongoing field work; meanwhile, CalEPA may fill gaps in EPA's enforcement.

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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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#### 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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#### Using blended finance to support infrastructure development in emerging economies

24 April 2020

The 2030 Agenda for Sustainable Development adopted by the United Nations sets out 17 Sustainable Development Goals; from poverty reduction, food security, healthcare and education to climate change mitigation and other development objectives. What is, and how can blended finance be used in emerging economies?

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#### A discussion of Texas plugging and abandonment rules

17 April 2020

An outline of the plugging and abandonment requirements of onshore oil and gas wells in Texas plus a discussion of ties between the plugging requirements and bankruptcy.

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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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#### Alberta government announces relief for energy industry

8 APR 2020

Alberta oil and gas producers, who are dealing with both historically low commodity prices and the COVID-19 crisis, received some

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relief from the Alberta government over the last several weeks as the government announced several measures designed to reduce and defer producers' costs and ease the administrative burden on producers.

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## High Court rules BHP entities were associates

23 March 2020

On 11 March 2020, in an unanimous and landmark decision, the High Court of Australia handed down its decision on the technical meaning of "sufficiently influenced" which is used to determine who is an "associate" under Australia's foreign income attribution rules. The decision has significant impact for large listed groups especially with a dual-listed company (**DLC**) structure and concerns the application of the Australian Controlled Foreign Company (**CFC**) rules.

Whilst the facts and future application of this case may principally be limited to the DLC type structures, the legal analysis of the definition of "associate" impacts on wider applications as this definition is used outside of the CFC provisions including the thin capitalisation rules, the debt/equity tests and the withholding tax rules.

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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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## Building tomorrow's infrastructure

17 March 2020

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

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## COP25's key outcome: adoption of the San Jose Principles on carbon market mechanisms – takeaways for business

12 February 2020

Ambitious countries are not waiting for full consensus on carbon markets.

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

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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

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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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### **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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### **Jury acquits foreign national in apparent rebuke of DOJ's attempt to police overseas corruption**

4 December 2019

The result highlights some significant issues that may, in some cases, limit the ability of the DOJ to prosecute foreign nationals for corruption overseas.

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### **Changes to Equator Principles introduce new requirements in relation to human rights, climate change and Indigenous Peoples for project debt**

22 November 2019

On 18 November 2019, the Equator Principles Association published version four of the Equator Principles (EP4), updating the international baseline for the identification, assessment and management of environmental and social risks in international project finance debt markets. The changes, which take effect on 1 July 2020.

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### **Digital Transformation in Energy and Natural Resources**

9 October 2019

The global demand for power rises, the requirement for increased productivity, greater efficiencies in distribution and flexibility for consumers (both corporate and residential) is also growing. As such, we have launched report on how digital technologies are impacting the Energy and Natural Resources sector.

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### **Japan's vision to realize a "Hydrogen-Based Society"**

8 October 2019

With less than a year until the Tokyo 2020 Olympic and Paralympic Games, the Japanese government, the Tokyo Metropolitan government and Japanese manufacturing companies are looking to use these sporting events to introduce visitors from around the world to Japan's state-of-the-art technology in the field of hydrogen.

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### **Distributed generation in Brazil**

20 August 2019

The bright future of Brazilian renewable energy - increase in the production of electricity from renewable sources for Brazilian consumers and offset the surplus with their local distribution company.

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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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## **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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## **Responsible investing**

20 August 2019

The rise of responsible investing and global renewable energy opportunities with growing exposure given to environmental, social and governance (ESG) issues.

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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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## **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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## **What is the future of LNG pricing?**

20 August 2019

Is LNG pricing linked to crude oil an outdated model?

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## **Renewable Energy in Africa**

18 June 2019

The African continent, with a population exceeding one billion people and an estimated combined economy of USD1.5 trillion, presents huge opportunities for investors, developers and operators across the renewable energy sector.

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## **Top of Mind: Litigation**

20 MAR 2019

In this issue, our coverage of 10 big topics businesses have been thinking about this quarter.

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## **DLA Piper in Latin America: 2018 in review**

28 FEB 2019

While challenges always lie ahead, we are excited by the region's continuing growth.

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

19 December 2018

### **PROJECTS GLOBAL INSIGHT**

Welcome to DLA Piper's Energy and Infrastructure Projects Global Insight. In this and twice-yearly issues of 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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## **APPs en América Latina: resolución de disputas a través de arbitraje inversor-estado**

18 DEC 2018

Medidas de protección de la inversión pueden encontrarse en los contratos de APP, pero también en el derecho internacional.

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## **Issue 1**

5 December 2018

### **ENERGY AND NATURAL RESOURCES CASE LAW UPDATE**

Given the often complex nature of business in the Energy and Natural Resources sector, it is inevitable that disputes will arise, and that the law will develop apace.

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## **Martial law is introduced in Ukraine starting from 26 November 2018**

28 NOV 2018

On 26 November 2018, the Parliament of Ukraine imposed temporary martial law in some regions of Ukraine approving respective Decree of the President of Ukraine. The martial law is introduced in response to escalation of Russian aggression in the Black Sea and the Sea of Azov. The Law will come into force only after it is officially published.

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## **The 116th Congress: prospects for tax policy as House shifts to Democrats**

8 NOV 2018

Key issues arising from the overall shift of the House from Republican to Democratic control.

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## **Supply chain human rights risk management: Blockchain and emerging technology**

8 NOV 2018

Global businesses, financiers and investors are faced with an increasingly complex and interconnected legal, financial and

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reputation risk agenda related to human rights and other responsible business conduct issues.

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### **Supreme Court Corner Q3 2018**

27 SEP 2018

The court rules on recovery of lost foreign profits and ponders patentability issues in an invention's sale to a third party that is obligated to keep the invention confidential.

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### **Positive signs for issuers and the marketplace: Argentina economic briefing**

7 SEP 2018

The financial press continues to portray Argentina as another merging-market casualty but, to the contrary, there are a number of positive financial signs, for investors, the country and the marketplace, in today's Argentine economy.

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### **Saudi Arabia emerging PPP regime**

9 AUG 2018

The draft of Saudi Arabia's Private Sector Participation (PSP) Law has been generally well received following a three week public consultation period. This is an important milestone given that the implementation of the PSP Law is seen as being critical to the realisation of the Kingdom's Vision 2030.

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### **OECD releases new guidance on the application of the transactional profit split method under BEPS Actions 10**

3 JUL 2018

The Guidance will likely continue the uncertainty for taxpayers as they develop and maintain their transfer pricing policies.

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### **Tax incentives in Puerto Rico: a quick introduction**

13 JUN 2017

Puerto Rico offers a spectrum of economic incentives aiming to promote many key industries. This handbook offers a quick look at ten of the most significant of these incentives.

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### **Electrify Africa Act is now law**

2 MARCH 2016

The law demonstrates broad bipartisan support for a comprehensive US policy aiming to facilitate private financing and PPP structures as tools to develop power projects in sub-Saharan Africa, which should provide opportunities for investors, sponsors and lenders to advance their projects.

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### **Slavery in the supply chain: new corporate reporting obligations for companies**



9 DEC 2015

## HEALTH, SAFETY AND ENVIRONMENTAL MATTERS SERIES

The UK's Modern Slavery Act 2015 is in force, imposing on companies new reporting requirements and new enforcement powers, including the creation of an Independent Anti-Slavery Commissioner.

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### Historic reform in Mexico clears the way for foreign investment in energy sector: 5 key aspects

19 DEC 2013

A clear roadmap for the regulation of hydrocarbons

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### The EU looks at fracking: regulations taking shape

21 NOV 2013

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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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### New York Assembly passes two-year fracking moratorium, while Illinois moves forward

11 MAR 2013

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## Events

### Previous

#### TechLaw

5 March 2020

TechLaw Event Series

Sydney

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#### TechLaw

3 March 2020

TechLaw Event Series

Melbourne

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#### IPEM 2020

28-30 January 2020

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Paris

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### **Brexit and sustainable energy**

25 September 2019  
London

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

7 MAR 2019  
TechLaw Event Series  
Amsterdam

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

17 JAN 2019  
TechLaw Event Series  
Amsterdam

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### **TechLaw London 2018**

5 DEC 2018  
TechLaw Event Series  
London

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### **TechLaw Event - Virtual Competition**

22 NOV 2018  
TechLaw Event Series  
Amsterdam

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### **Middle East Tech Summit 2018: The Digital Imperative**

5 NOV 2018  
TechLaw Event Series  
Dubai

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### **TechLaw in Germany**

14 JUN 2018  
TechLaw Event Series  
Munich

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## NEWS

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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 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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### **DLA Piper boosts project finance offering with partner hire in London**

3 APR 2019

DLA Piper today announces that project finance lawyer Nacim Bounouara has joined the firm as a partner in its Finance and Projects practice, based in London.

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### **DLA Piper announces partnership promotions for 2019**

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.

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### **DLA Piper launches Renewable Energy in Africa Guide**

19 JUN 2018

DLA Piper's global Energy practice has today launched Renewable Energy in Africa, a major new guide for clients.

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### **DLA Piper bolsters Project Finance capability in the Middle East with partner hire**

3 JUN 2018

DLA Piper has appointed project finance lawyer, Rob Harker, as a partner in its Middle East Finance and Projects practice, based in Dubai. Rob joins the firm from Bracewell, where he was a partner since 2014.

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