



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

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

Martin Bartlam

Partner
London
T: +44 (0)20 7796
6309
martin.bartlam@dlapiper.com

Robert J. Gruendel

Partner
New York
T: +1 212 335 4736
robert.gruendel@dlapiper.com

RELATED SERVICES

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

RELATED SECTORS

- Energy and Natural
Resources

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

INSIGHTS

Publications

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.

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.

Building tomorrow’s infrastructure

17 March 2020

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

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.

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.

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.

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.

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.

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.

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

8 October 2019

Ahead of the Tokyo 2020 Olympic and Paralympic Games, the Japanese government, the Tokyo Metropolitan government and Japanese manufacturing companies are seeking to use these sporting events to introduce Japan's state-of-the-art technology in the field of hydrogen, by using hydrogen-powered vehicles and powering the Olympic village with hydrogen.

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.

Coal, iron ore, LNG... Hydrogen?

20 August 2019

Hydrogen shows potential to become new export industry down under.

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.

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.

Key themes in distressed projects

20 August 2019

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

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.

What is the future of LNG pricing?

20 August 2019

Is LNG pricing linked to crude oil an outdated model?

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.

Top of Mind: Litigation

20 MAR 2019

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

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.

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.

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.

Energy & Natural resources case law update

5 DEC 2018

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.

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.

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

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.

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.

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.

Is collaborative working improving in operational PPPs?

16 MAR 2018

An in-depth look at some of the key questions facing the PPP market, with direct input from those at the coalface of the industry.

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.

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.

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.

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

The EU looks at fracking: regulations taking shape

21 NOV 2013

US commits \$7B to ambitious Power Africa initiative

2 JUL 2013

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

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

11 MAR 2013

Events

Previous

IPEM 2020

28-30 January 2020

Paris

NEWS

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.

DLA Piper boosts Projects practice with double partner hire in Australia

15 July 2019

Global law firm DLA Piper has further strengthened its Finance and Projects practice with the appointment of two new projects partners in Sydney, Owen Hayford and Jonathan Stafford.

DLA Piper strengthens ASEAN project finance offering with key partner hire

28 MAY 2019

DLA Piper has strengthened its project development and finance offering with the appointment of Vincent Seah as a partner in its Finance and Projects (F&P) practice, based in Singapore.

DLA Piper boosts projects capability with partner hire in Australia

16 APR 2019

DLA Piper has strengthened its Finance and Projects practice with the appointment of senior projects lawyer Tom Fotheringham as partner in its Brisbane office.

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.

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.

DLA Piper advises Australia's Transport for NSW on Regional Rail Project

14 FEB 2019

DLA Piper is delighted to announce that today Transport for NSW achieved contract close on the Regional Rail Project, which will see a fleet of new trains deliver safer, more comfortable and more reliable journeys across the state.

DLA Piper appoints finance and project lawyer David Lyons

10 December 2018

DLA Piper has appointed senior finance lawyer David Lyons as a partner of the firm's Finance Projects & Restructuring practice to be based in Brisbane.

DLA Piper advises Palisade on acquisition of equity stake in HCL fiber optic cable business

14 September

DLA Piper has advised Palisade Investment Partners Limited (Palisade), on behalf of funds that it manages, on the acquisition of a significant equity stake with board representation in HCL Limited Partnership, HCL LP General Partner Limited and International Connectivity Services Limited.

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.

DLA Piper advises Beijing Enterprise Water Group on acquisition of TRILITY

5 MAY 2018

DLA Piper advised BEWG International, a wholly-owned subsidiary of Beijing Enterprises Water Group, on its 100% acquisition of water utility service provider TRILITY by way of a competitive bid process.

DLA Piper receives *Latin Lawyer* Deal of the Year award

25 APR 2018

DLA Piper received *Latin Lawyer's* Project Finance Deal of the Year award for its representation of Abengoa in the sale of a combined cycle power plant to a consortium consisting of Macquarie Capital and Techint.

DLA Piper advises Pacific Energy on acquisition of Contract Power

10 APR 2018

DLA Piper has advised power generation specialist Pacific Energy Limited on its AU\$90 million acquisition of Contract Power Group.

DLA Piper announces partnership promotions for 2018

3 APR 2018

DLA Piper is proud to announce that 62 lawyers have been promoted to its partnership. The promotions are effective as of 1 April 2018 in the United States and 1 May 2018 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 42 different offices throughout 20 countries.

In New Zealand

DLA Piper New Zealand has a depth of experience and demonstrable success in large infrastructure projects where often public interest and risk are high.

Our work has included iconic, defining infrastructure created by New Zealand clients and offshore investors, joint venture partners or developers.

DLA Piper New Zealand can handle every aspect of an infrastructure project from the purchase of land, through to planning,

consents, financing, tendering, procurement, tax planning, construction and contract documentation. We are highly capable in issues management and stakeholder management, including government liaison.

We are one of the only New Zealand firms with a particular expertise in public private partnerships (PPPs). We understand the regulatory, economic and political issues that can arise. With seamless access to international expertise on PPP models and operations, DLA Piper New Zealand can assist clients with any scale of project in any location in New Zealand.

Our capability also encompasses the lifecycle of infrastructure and PPP projects, including advice on management and implementation.

We advise all levels of local government, government agencies, private and public sector clients in infrastructure industries including utilities, telecommunications, water, resources, property and transport.

Where issues arise, we have expertise in mediation, dispute resolution and litigation.

DLA Piper New Zealand can transact Crown property on behalf of clients and assists our clients with acquisitions under the Public Works Act.

CAPABILITIES

- Documentation and contracting
- Property acquisition, consenting, planning, resource management, financing, construction, negotiation, implementation
- Stakeholder consultation and management
- Risk management and mitigation
- Environmental issues
- Privatisations, divestment strategies for governments and agencies
- Bid structuring, regulatory advice and risk management
- National and international regulation
- Tax advice
- Negotiation

EXPERIENCE

Capacity Infrastructure Services Limited

DLA Piper New Zealand advised Capacity on the review of its template documentation for tender and procurement of infrastructure services, and a range of major infrastructure upgrades and renewal for storm water, sewer and water main, fire fighting water main and reservoirs across Wellington City.

DLA Piper New Zealand also advised Capacity on its new infrastructure management and services agreement with Wellington City, Hutt City, Porirua City and Lower Hutt City.

Department of Corrections

DLA Piper New Zealand acted for the Department in the Board of Inquiry set up under the Resource Management Act 1991 to seek alterations to a designation for a proposed men's prison. This project had a very high public profile and community interest. It is a public private partnership.

Wellington City Council

Wellington City Council has obtained a grant of \$10M from Housing New Zealand to update its social housing portfolio. DLA Piper New Zealand prepared tender and contract documents for weather tightness, earthquake strengthening, reconfiguration and redecorating works. In addition to construction and consultancy contracts, the documents include tenders and agreements for moving tenants and their belongings elsewhere while the work is undertaken, and bulk purchases of fixtures and fittings (e.g. whiteware) at favourable prices. As the construction documents have been market tested and refined over the first two projects, the procurement process is now much quicker.

We have prepared a Guide To Doing Business In New Zealand to help those venturing into the market navigate their way through local legislation to identify and maximise the many opportunities that are available.