



Michael Cieslarczyk

Partner

MEMBER OF THE INTERNATIONAL ENR SECTOR LEADERSHIP TEAM

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Michael Cieslarczyk has long-standing experience in energy contracts, energy regulatory matters, energy infrastructure acquisitions, energy infrastructure projects and in relation to the implications of banking, capital markets and exchange laws on the energy sector. He has also focused on commodity and specifically energy and emissions trading activities as well as on supervisory laws for banking and financial services institutions active in commodity trading. Michael has also been appointed as German Counsel to the European Federation of Energy Traders (EFET).

He advises in relation to regulatory aspects, in the context of renewables projects, and represents clients in proceedings in front of the competent supervisory authorities as well as in contentious proceedings.

Michael heads the German Energy Team and acts as a member of the International Leadership Team of the Energy and Natural Resources Sector.

LANGUAGES SPOKEN

- English
- German

Michael has extensive experience in the field of energy regulation and regularly advises transmission system operators and other clients with regard to network access and network usage issues as well as on unbundling issues and network fee regulation.

In the context of energy contracts, Michael advises in relation to (virtual) participations in power plants, long term power and fuel supply,

- Oil and Gas
- Power and Transmission
- Renewables
- Infrastructure Finance
- Derivatives
- International Arbitration
- International Trade, Regulatory and Government Affairs
- Litigation, Arbitration and Investigations
- Water and Waste
- Public Private Partnerships and PFI

- Financial Services
- Energy and Natural Resources

English German

gas supply, gas storage, gas import and transportation/ transit agreements (including advice on price reviews and in the course of related litigation and arbitration proceedings). In the context of gas pipeline projects, he advises in relation to all energy regulatory aspects as well as in relation to project agreements; in the context of power plant projects he advises especially in relation to the fuel supply, energy-off-take and other project agreements as well as in relation to the project financing of such projects. He has been advising in relation to aircraft fuelling activities at a number of German and European airports, including storage and throughput contracts and has been looking at agreements for secondary transport and planning of fuel for retail petrol stations in Germany.

Michael is also very active in relation to renewable energies. This does not only relate to the network access and feed-in aspects but also to any project contracts as well as re. the support schemes and the direct marketing of produced power volumes. In this context, he also has substantial experience in relation to corporate PPAs (CPPA) and, amongst others, has been working with the European Federation of Energy Traders (EFET) in the context of their development of the first standard CPPA documentation.

He has been involved in the establishment of the first German power exchange and in the merger of the German power exchanges and advises domestic and foreign market participants (commodity/energy trading companies, investment banks, energy supply companies and associations) concerning commodity, energy and emissions trading activities on the physical and financial markets.

In the context of commodity, energy and emissions trading, Michael advises in relation to structured products but also in relation to standard master agreements common on the energy markets (especially on the EFET Gas and Power General Agreements, the ISDA Master Agreements, the German Master Agreement for Financial Futures Transactions as well as in relation to the annexes for emissions trading and Cross-Product Master Netting and Credit Support agreements) and the regulatory environment (including REMIT, EMIR, MiFID etc.). Michael assists clients in the context of participation in exchange trading and regarding clearing memberships in Germany and abroad.

Michael works for a broad range of domestic and international market participants in connection with the activities identified above, including energy supply companies, network operators, energy trading companies, investment banks, project companies, investors and associations.

CREDENTIALS

Professional Qualifications

- Rechtsanwalt admitted with Rechtsanwaltskammer Cologne

Prior Experience

Prior to joining the Cologne office of DLA Piper in 2007, Michael has worked for two other international law firms in Frankfurt/Main and Duesseldorf (1999-2007).

Recognitions

- *JUVE Handbook 2021/2022*: Frequently recommended for regulated industries: energy law: regulatory and energy sector: transactions/financing
- *Legal 500 Germany 2021*: Leading individual and recommended for industry focus: energy; “experienced team, which is noted for its excellent industry expertise” (industry focus energy 2019)
- *Chambers Europe Germany 2021*: Recommended for energy: regulatory; “a really good lawyer”, “great knowledge of German energy markets”, client
- *Handelsblatt* in cooperation with *Best Lawyers 2022*: Recommended for energy law

Education

- Higher Regional Court of Hamm, Second State Examination 1999
- University of Münster, First State Examination, 1997
- Deutsche Bank Essen, Banking Diploma, 1992

Memberships

- German Arbitration Institute (DIS)

INSIGHTS

Publications

- "Trend for sustained energy supply" (Trend zu nachhaltiger Energieversorgung), Börsenzeitung, 3 August 2019
- Energy related risks in corporate transactions and restructurings, 16 July 2019
- "Contracts for Differences - Renewables support following the British role model" (Contracts for Differences - Erneuerbaren-Förderung nach britischem Vorbild), *emw - Zeitschrift für Energie, Markt, Wettbewerb*, December 2018 (with Andreas Gunst)
- "Price airbag for renewable energies" (Preis-Airbag für erneuerbare Energien), Frankfurter Allgemeine Zeitung, 7 November 2018

Events

Michael is a frequent speaker at energy and energy trading conferences.