



## Energy and Natural Resources

In a world where the demands for energy are growing exponentially, those operating in the energy sector are looking to their lawyers to provide more than legal skill; they are also seeking in-depth sector know-how and innovative solutions to the challenges they face. DLA Piper's energy lawyers deliver to our clients the focused, innovative sector advice they need, wherever in the world they need it.

In a sector of relentless change, demand and complexity, private and public corporations wisely rely on experienced, global legal counsel for any matter involving energy.

We are entering an era of unprecedented demand for power generation and transmission, especially within emerging economies. This dynamic, together with the challenges we all face from climate change, is creating new opportunities for alternative energies and new technologies.

Our energy clients receive coordinated, across-the-board coverage for their needs, including construction and projects, corporate, competition, regulatory, contractual, trading, litigation/arbitration, dispute resolution and tax issues. We understand the technical, geographical, commercial and geopolitical factors that shape the industry and have first-hand access to contacts, sponsors and decision makers worldwide.

DLA Piper's energy team includes professionals in the detailed, multi-layered and often complex regulatory frameworks that apply to energy sector projects and activities. We advise regulators, the regulated, investors and other industry participants on the implications of the regulatory framework during the planning, development and operational stages of many energy projects and activities.

For decades, we have represented organizations operating in the sector throughout the world. Our global team serves clients in the power, oil and gas, renewable, nuclear, energy trading, climate change and water markets. Alongside energy companies, our clients include project sponsors, corporations, developers, financial institutions, governments, utilities and regulatory bodies.

We work with a broad scope of clients ranging from the world's largest oil and gas companies to investment banks active in energy and commodities trading and venture-backed alternative energy entrepreneurs. Our lawyers provide strategic advice on planning, development, financing and permitting matters, as well as legislative, political and regulatory issues.

### FOCUS AREAS

#### KEY CONTACTS

##### **Robert J. Gruendel**

Partner

New York

T: +1 212 335 4736

robert.gruendel@dlapiper.com

##### **Alex Jones**

Partner

Perth

T: +61 8 6467 6204

alex.jones@dlapiper.com

##### **Natasha Luther-Jones**

Partner

Leeds

T: +44 (0)333 207 7218

natasha.luther-jones@dlapiper.com

##### **Trevor Wong-Chor**

Partner

Calgary

T: +1 403 698 8711

trevor.wong-chor@dlapiper.com

- Environment, Health and Safety
- Projects, Energy and Infrastructure
- Corporate Disputes

## Commodities

## RELATED SECTORS

- Industrials

DLA Piper is among the few law firms in the world that maintains a global group dedicated to servicing the commodity markets. No matter where in the world commodities are being traded, sold, shipped, stored and financed, DLA Piper has experienced and industry-focused attorneys ready to provide assistance with regulatory and compliance issues, transactions of all types and dispute resolution. Most of these lawyers have been active in the commodity markets for decades and some have had lengthy in-house careers or have worked with industry associations for years, so they are familiar with all that happens in a commodity business, from the trading floor to the board room.

With an enormous global reach across more than 40 countries on six continents and a lengthy list of practice areas useful to commodity players, DLA Piper has at its disposal everything needed to serve as a prime one-stop shop for traders, marketers, transporters, financiers and producers of commodities. Our client list includes some of the largest and most active commodity players in the world, so our lawyers are constantly working at the leading edge of the innovations and trends that are shaping the business. We are very much aware of the competing interests that sometimes arise around a commodity trade or transaction and can assist in striking the proper balance among those interests from both a legal and a commercial perspective.

Our core team of commodity-focused lawyers regularly counsels on matters central to the commodity business: regulatory and compliance obligations, materials and training; OTC and on-exchange trading, hedging and risk issues; structured deal-making and trade finance, including cross-border transactions; vessel-owning and chartering matters; physical infrastructure development and utilization; and litigation and arbitration throughout the world. Augmenting these core competencies is a vast array of supporting areas of experience that enhance our service offering to the industry: sanctions and OFAC regulations; anti-bribery and corruption laws; cybersecurity; IT and data management; government contracting; real estate; rail and aviation; and renewable energy; among many others.

We are also at the forefront of providing complimentary value-added support to the industry, including a quarterly roundtable discussion dinner in both the New York and Houston areas; frequent alerts on breaking legal developments important to your daily business decisions; and regular webinars, podcasts and in-person events which address topical issues impacting the industry. Interested parties are very much encouraged to advise if they would like to be added to the circulation list for these offerings.

For questions or to learn more about the Commodities group, please contact: [dlapipercommodities@us.dlapiper.com](mailto:dlapipercommodities@us.dlapiper.com).

[View publications from the Commodities group.](#)

## Mining

Changing economic conditions are often felt at the mine mouth long before they appear on the balance sheet or the boardroom table. DLA Piper is responsive to our clients' needs as they adapt to the cyclical shifts in the global commodities markets. Our innovative solutions assist them to efficiently address these challenges and opportunities.

From startup to divestment or site closure, our mining legal team can provide a complete legal solution, covering everything from day-to-day operational issues to large scale international transactions and arbitrations.

Our commodities lawyers have detailed knowledge of local regulatory environments, key project drivers and the market. We understand how the many components of a project interact with one another. Our mining team takes a holistic approach to project development, which enables us to offer a balanced assessment in the best interests of the project as a whole. We can assist you to identify, analyze, negotiate and document project structures and to maintain efficiency when the project is operational.

DLA Piper is developing innovative solutions to some of the most complex and important issues facing the mining community today. These projects, while not only important in financial terms, are also breaking new legal ground in their treatment of difficult issues such as third party access to infrastructure and state agreements and concessions.

Mining is a truly global industry and we can provide the location-based assistance as well as the experience and skills that clients in this sector require.

We offer mining and minerals support in all of the major mining regions of the world, including emerging markets in Africa, Latin

America, Asia and the Middle East, as well as the more established markets in Australia, North America and Europe.

Our international reach means we have the local strength and knowledge to advise our clients on specific legal, cultural and political issues wherever they arise.

For those with projects across countries or continents, we can provide a single point of contact to help manage the delivery of legal services to all of your projects and your personnel.

Our multidisciplinary industry focus offers our clients responsive, cost-effective help. Whatever the nature of your legal requirement or business need, you can rely on our detailed knowledge, experience and understanding.

## A SELECTION OF CLIENTS:

### **Miners**

- Anglo American
- BC Iron
- China Coal
- Coeur Mining
- Ferrous Resources
- Fortescue Metals Group
- Newmont Mining Corporation
- Norilsk Nickel
- Rio Tinto
- Xstrata

### **Financiers / Investors**

- Credit Suisse
- Macquarie

### **Operators / Buyers**

- Baosteel
- Sinosteel
- Lafarge
- Mitsubishi
- Sibelco/Unimin
- Arcelor Mittal
- Tata Steel
- POSCO
- Marabani
- Sinopec

### **Suppliers**

- POSCO E&C
- STX
- Bristow Helicopters

### **Government**

- Government of Guinea
- State of Western Australia
- Government of Uganda
- Government of Kazakhstan

## CASE STUDIES

- When the Indian Government's Department of Disinvestment and Coal India Limited (the world's largest coal miner) planned an initial public offering of shares, we were chosen following a formal government counsel selection process involving more than six international law firms. The deal raised US\$3.43 billion, making it the largest IPO in the history of Indian capital markets and the third largest IPO in the world during 2010.

- We are assisting the Australian Premium Iron Joint Venture in all aspects of the development of the West Pilbara Iron Ore Project, which involves the development of three new iron ore mines, 350km of heavy-haul railway and a new deep water port at Anketell Point.
- Our broad experience in the financing of mining operations came into play when we represented a major bank in the financing of the development, construction and operation of an iron ore concentrator facility in the USA. It was structured as a fully secured project financing and commodity hedges were an important part of the deal structure, the borrower being required to hedge against iron ore concentrate price fluctuations over a multiyear period to ensure that offtake revenues would be sufficient to cover debt service.
- A cross-border team from Paris, Perth, New York and Brussels are assisting the Government of Guinea in the review of mining rights and conventions granted by the prior governments and on the renegotiation of concessions and conventions in accordance with the new Mining Code.
- We advised Lloyds Banking Group on the debt and equity restructuring of UK Coal plc (now renamed Coalfield Resources plc). An unsuccessful rescue bid would have resulted in company administration, closure of mines, the loss of 2,500 jobs and a tax payer bailout. Working closely with the Lloyds team, we helped achieve the desired outcome; the separation of the businesses of the Group into new divisions and the isolation of existing pension liabilities of GBP400 million.
- Following a mining failure in Indonesia, the reinsurers hired us to handle a USD500 million claim. The case was eventually settled on very beneficial terms for the reinsurers.
- Representing the Republic of Guinea in consolidated, multi-billion dollar ICSID arbitrations brought by BSG Resources ("BSGR"), claiming expropriation of a mining concession and related rights in Guinea, in what is one of the most important and high-value mining disputes in the world.
- Acting for the Republic of Kenya in respect of an ICSID claim brought by the mining investor, Cortec. This claim is thought to be the highest value and most strategically important investment treaty claim Kenya has ever faced.

## Oil and gas

DLA Piper's Oil and Gas lawyers have extensive experience in all segments of the global industry. With a vast network featuring practitioners on the ground in key jurisdictions worldwide, we understand the industry-specific nuances that affect energy transactions and disputes as well as complex, multi-jurisdictional engagements that are part of your strategy wherever you do business.

We handle both onshore and offshore legal work for a spectrum of clients, from major international oil companies, governments and state-owned companies to independents and private equity and mid-market entities. We offer leading lawyers in mergers and acquisitions, project development, finance, tax, environmental, technology and IP, real estate and dispute resolution. All our lawyers work together as a team across our global platform to address your transactional needs and, when necessary, to mobilize immediately.

We work with contractors, developers, utilities, banks, investors and governments, providing strategic advice on planning, development, financing and permitting matters, as well as legislative, political and regulatory issues.

Our experience encompasses:

- **Upstream:** licensing/concessions, exploration and extraction; the operation of oil and gas fields; farm-ins/farm-outs, JOAs, joint venturing
- **Midstream infrastructure:** construction, financing and operation of oil and gas infrastructure, such as pipelines, tank farms and refineries; sales and handling of crude oil and gas, along with the construction of related infrastructure; and CNG/LNG projects/sales
- **Downstream dissemination of products:** offtake of production and the sale of products; lifting and transportation of oil and gas; storage and through-putting of products
- **Acquisition and disposal** of oil and gas interests/assets; due diligence and investigation behind acquisitions
- **Financing for oil and gas:** funding acquisitions; project-financing for developments; funding cash-calls; security structures over oil and gas assets; trading of oil products
- **Shipping and trading** of oil and gas

- International arbitrations and other forms of dispute resolution

## Power

The firm's Power team comprises lawyers throughout the Americas, Africa, Asia Pacific, Europe and the Middle East, positioning us to help energy clients with their legal needs anywhere in the world. Our key service areas within the Power sector include:

- Conventional generation
- Renewables
- Alternative energy
- Transmission and distribution
- Wholesale and retail electricity
- Energy market reform

We advise on all phases of power transactions including:

- Project development
- Mergers and acquisitions
- Financing
- Corporate structuring and tax advice
- Licensing and technology transfer
- Government / regulatory
- Litigation and international arbitration
- Environmental
- Employment

We have completed financings that have been implemented through a variety of structures, including traditional offtaker-based project financings, PAPS tax equity investments, leasing, private placements, portfolio financings, multi-tranche first and second lien structures, export credit agency and other multilateral agency supported transactions. By representing clients with diverse roles in many types of transactions, our group has developed experience that well equips us to assist clients in assessing and resolving the complex issues that arise in project finance matters.

## Renewables

DLA Piper's globally situated Renewables practitioners represent sponsors, lenders, equity investors, multilateral institutions and government bodies and agencies in the development, financing, construction acquisition and sale of, or investment in, a wide range of renewables-related projects and infrastructure projects. Among these are renewable power generation projects, energy storage facilities, utility-scale, distributed and residential solar, on-shore and offshore wind and biomass and other innovative and technology-based entities. We deliver comprehensive services to renewables clients from project finance and development and M&A to tax, environmental, real estate, tech and IP, employment and disputes and arbitrations.

We have advised on hundreds of renewable energy projects developed and financed around the world. Members of our team regularly represent clients in the purchase of wind turbines, solar panels, batteries, inverters, gas turbines and steam generators and other equipment or related and in the evaluation of such contracts in the context of an acquisition or a financing.

We have been active in energy storage for almost a decade and have monitored the industry's progress closely while advising clients on the negotiation of long-term offtake agreements, evolving tariff requirements, the purchase of equipment and project financing, including the landmark financing of a portfolio of battery storage systems.

## Water

We are involved in some of the largest, most complex water projects in the world. In addition to project development and finance, we help with water-related mergers and acquisitions, project bids, procurement, sovereign immunity, contracting authority, environmental and other regulatory matters, commercial agreements, intellectual property and dispute resolution.

- The lenders, Standard Bank and Nedbank, in connection with the MIGA-backed project financing of a reverse osmosis desalination plant in Ghana.
- Northern Ireland Water, supporting the procurement of a number of framework contracts from which NI Water will be able to call off the services and works necessary to enable it to maintain its vital drinking water and sewerage infrastructure. This involved providing procurement advice on the suite of documents as well as advice on structuring the procurements.

## Waste

Our waste sector experience spans the spectrum of waste-related agreements - we advise clients on construction and operating agreements, transportation, landfill, fuel supply, recycle sale and other residue offtake agreements, as well as advising on environmental and planning issues, technological development and regulatory disputes. Projects on which we have advised include fully merchant facilities and others underpinned by long-term local authority contracts.

Working on these projects requires a detailed understanding of not only the relevant regulatory legislation, but also of the technologies used and the risks associated with them. Our experience in these matters allows us to measure, anticipate and manage our clients' risks whatever the scale of the project.

- Carbon Trading: Advising the European Commission under two multi-annual frameworks on implementation and amendments to the Auctioning Regulation and other related EU ETS Regulations, as well as the negotiations with EEX/EEC as EU ETS Common Auction Platform operator and clearing entity.
- Corporate Power Purchase Agreement: advising DekaBank Deutsche Girozentrale as lenders on a complex dual-PPA structure for a 254 MW wind park located in Sweden, involving two power purchase agreements – one with Google and the other Holmen.
- Corporate Power Purchase Agreement: Advising Unilever on their PPA documentation and precedent international solar PPA for use across multiple jurisdictions including seven private wire PPAs across the US, Middle East and Africa.
- Electricity and water: As a result of the work we have done for the Government of Iraq, we are the leading international legal practice operating inside Iraq. This includes representation of the Iraqi Ministry of Electricity in its negotiations to acquire more than US\$5 billion in electricity generation equipment, to procure engineering services and construction contracts and to secure water and fuel supplies. We have also helped the Ministry of Water Resources with large-scale infrastructure projects.
- Oil and gas: We represented BP as principal counsel for the US\$2.4 billion sale of its southern California refining and marketing business, formerly known as ARCO, to San Antonio-based Tesoro Refining and Marketing Company. The contract was signed in August 2012, and the deal closed on June 1, 2013, after receiving clearance from both federal and California regulators.
- Renewable energy: Independent Power Producers Procurement Programme Matters, South Africa. On completion, this will be the largest renewable energy project in the world. Our lawyers in Australia, Hong Kong and London advised more than half of the successful bidders for Phase 1 and 2 of this solar, wind, hydro, biomass and biogas project. We are also acting for bidders and lenders providing project finance for a number of projects in Phase 3. The goal of this landmark project is to generate 42% of all new electricity in South Africa from renewable energy sources over the next 20 years.
- Power: For China Hydroelectric Corporation's successful US\$96 million NASDAQ IPO, we advised on the pre-IPO financing and the acquisition of hydropower plants in China. We also provided structuring advice for its operations, implemented a corporate reorganisation and advised on CDM eligibility.
- Nuclear: We act for virtually all of the site licensee companies (SLCs) in the UK, as well as for the Nuclear Decommissioning Authority and other parent body organizations to the SLCs. We are principal advisers to Sellafield Limited, Magnox Limited,

International Nuclear Services Limited and are instructed by Westinghouse, DSRL, LLWR and NNL.

- Energy disputes: We achieved a victory for Central New York Oil and Gas Company in a case that cleared the way for development of the US\$257 million Marcellus Shale gas pipeline project. The case was one of first impression on the degree to which federal agencies and private pipeline and energy companies must account for the impacts of Marcellus Shale well drilling when reviewing the environmental effects of pipeline projects.
- Water and wastewater: Represented United Water, a subsidiary of Suez Environnement, in its joint venture with KKR & Co. to acquire a 40-year water and wastewater concession from Bayonne, New Jersey. The concession requires more than US\$300 million of capital improvements, one of the first water and wastewater concession deals completed in the US.

## INSIGHTS

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### Publications

#### UK Contracts for Difference and the Capacity Market: review and evaluation

17 May 2022

Rather tucked away in Part 2 (*Electricity Market Reform*) of the UK's Energy Act 2013 (2013 Act), in section 66 to be precise, there is a requirement for the Secretary of State to carry out a post-implementation review of the provisions of various chapters within that Part, including those dealing with Contracts for Difference (CfDs) and the Capacity Market (CM).

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#### New wave of US sanctions on Russia targets services, broadcasting, banking, and US exports

16 May 2022

### GLOBAL SANCTIONS ALERT

The US government continues to announce new measures.

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#### 10 considerations for companies on the path to sustainability

11 May 2022

For boards of directors and management teams as they discuss measuring, disclosing and reducing the company's climate impact.

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#### Global M&A Intelligence Report 2022

3 May 2022

Our annual Global M&A Intelligence Report is based on an analysis of key deal terms in almost 5,000 private M&A transactions on which we have advised since 2015.

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#### Episode 10: Can we decarbonise international shipping by 2050?

22 April 2022

### THE CLIMATE TRANSITION PODCAST

In this episode, Natasha Luther-Jones speaks to Ragnar Wisløff, senior vice president of clean energy at Höegh LNG, a leading player in the use of liquefied natural gas in the maritime sector, about the role of shipping in the energy transition.

DLA Piper · Can we decarbonise international shipping by 2050?

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## **Mexican Congress rejects electricity constitutional reform and approves bill to regulate lithium**

20 April 2022

An outline of the House of Representatives' decision regarding the Electricity Reform and Mining Reform, as well as its possible implications.

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## **Latest sanctions block Russia's largest banks, cyber actors and more; Biden's executive order prohibits investments in Russia by US persons**

8 April 2022

### **GLOBAL SANCTIONS ALERT**

Two of Russia's largest banks, Sberbank and Alfa-Bank, which had previously been subject to narrower restrictions, have now been blocked.

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## **Mexican Supreme Court dismisses Unconstitutionality Action against Electricity Industry Law reform**

8 April 2022

Key developments and implications

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## **Driving change: The decarbonisation of European transport**

1 April 2022

Our new study, in association with Acuris Studios, surveyed 100 senior executives of organisations based in Europe that have invested in European decarbonisation projects and/or technologies related to aviation, rail or shipping in the past 24 months.

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## **Economic drivers in Latin America: Key industry sectors and the rise of ESG**

1 April 2022

Overshadowed by the pandemic, Latin America's GDP growth results closed 2020 at nearly – 8%, while global GDP growth results closed at – 5%. The growth forecast for 2021 is at 4.1%, relying on the vaccination efforts across Latin America countries to combat COVID-19, as well as the many relief packages launched by the world's biggest economies to help emerging economies.

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## **Green Hydrogen in Chile: A Contribution to the Global Energy Transition**

1 April 2022

Nowadays we see governments around the world adopting decarbonization policies to transition their economies away from high-emission electricity generation and polluting manufacturing/production of goods and services.

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## **Projects Global Insight Issue 5, 2022**

1 April 2022

### **PROJECTS GLOBAL INSIGHT**

Welcome to the new issue of the Project Global Insights 2022. In some areas of the globe we are now seeing a gradual loosening of restrictions triggered by the COVID-19 pandemic, and stakeholders and governments across the world continue to focus on transport, infrastructure and clean energy investments to boost economic activities.

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## The Biden Plan: The most awaited infrastructure plan for the US

1 April 2022

The need for an adequate infrastructure program for the US is well known. This program has taken several presidencies to see the light of day, but it finally took the form of a concrete and ambitious plan presented by the Biden Administration in March 2021 known as the American Jobs Plan.

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## 'Boomerang' decommissioning liabilities for the oil & gas industry in Australia

1 April 2022

Since ExxonMobil drilled Australia's first offshore well in 1965, Australia's oil & gas industry has developed, grown and matured, supporting Australia's energy security and generating significant economic growth.

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## Focus on the energy sector

29 March 2022

### [UNDERSTANDING THE UK NATIONAL SECURITY & INVESTMENT REGIME PODCAST](#)

What is the impact of the regime on the energy sector? Sarah Smith is joined by competition partner, Sam Szlezinger, and DLA Piper's energy sector specialist, Andreas Gunst, to analyse which activities are likely to be caught.

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## New wave of US sanctions targets Russian Duma, additional elites, defense entities; BIS extends export controls to more than 100 Russian aircraft

29 March 2022

### [GLOBAL SANCTIONS ALERT](#)

The latest sanctions affect all members of the Duma, Russian elites, bank executives and board members, and Russian defense firms, and BIS has extended export controls to certain Russian aircraft.

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## Biden Administration urges American companies to act quickly to improve cybersecurity safeguards

22 March 2022

### [GLOBAL SANCTIONS ALERT](#)

The White House stresses the importance of taking key steps to thwart nation-state bad actor activities.

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## SEC proposes mandatory climate-related disclosure and governance rules

21 March 2022

The SEC's latest effort to advance the Biden Administration's climate agenda.

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## US announces new trade restrictions against Russia as well as a new round of sanctions against Russian political elites

16 March 2022

## [GLOBAL SANCTIONS ALERT](#)

Many of the newly announced measures will require Congressional action.

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### **Reduction of French solar tariffs – how can investors protect their rights**

10 March 2022

In this briefing, we summarize the key regulatory changes which will impact solar projects and identify the avenues available to investors to protect their interests, and the long-term returns on their investments.

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### **US sanctions Russian energy sector while allowing various energy-related activities to continue**

9 March 2022

## [GLOBAL SANCTIONS ALERT](#)

Today's actions further restrict commercial activity and increase risks of sanctions violations by well-intentioned companies.

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### **Canadian sanctions in response to Russian military actions against Ukraine**

March 7, 2022

## [GLOBAL SANCTIONS ALERT](#)

The Government of Canada has recently announced a series of new economic sanctions in response to Russia's invasion of and continued military actions against Ukraine.

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### **Corporate Power Purchase Agreements - Irish structures and issues**

4 March 2022

Globally, Corporate Power Purchase Agreements (cPPAs) have become one of the most common means for renewable energy projects to achieve long-term price security with corporates buying renewable energy/renewable energy certificates from the generator. In Ireland, cPPAs are an increasingly viable alternative to the Renewable Energy Support Schemes.

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### **US continues to escalate sanctions against Russia and Belarus**

4 March 2022

## [GLOBAL SANCTIONS ALERT](#)

White House announces new sanctions while putting in place extensive new export control measures against Russia and Belarus; DOJ announces Task Force KleptoCapture; OFAC closes some loopholes.

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### **Ukraine crisis: updates to UK, EU and US sanctions in the second 'phase' of the international response**

1 March 2022

## [GLOBAL SANCTIONS ALERT](#)

As at 6pm GMT on Monday, 28 February 2022, and in addition to those measures outlined in the 'first phase' of the international community's response to the situation in Ukraine, the UK, EU and US has announced the following sanctions measures

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## US escalates its sanctions regime against Russia, targeting its financial system

28 February 2022

### GLOBAL SANCTIONS ALERT

And additional measures are expected to be announced by the US and its allies in the coming days

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## US imposes further sanctions and export controls against Russia

25 February 2022

### GLOBAL SANCTIONS ALERT

The White House emphasized that these newly announced sanctions and export controls will be complemented with similar measures imposed by US allies and partners.

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## The US, EU and UK implement the 'first phase' of New Sanctions in response to Russia's recognition of the independence of the Donetsk and Luhansk regions

23 February 2022

### GLOBAL SANCTIONS ALERT

Providing you an up to date summary of the latest US, EU and UK "first phase" sanctions in response to Russia's recognition of the independence of the Donetsk and Luhansk regions.

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## The need for anti-corruption measures in the Middle East

23 February 2022

The Middle East is very much alive to corruption risks posed by factors such as significant investments in infrastructure and innovative technologies and the developing nature of the region's economies.

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## Looking to verify your energy project to generate carbon credits? Understanding two popular verification registries

18 February 2022

A summary of VERRA and Gold Standard.

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## Canada develops GHG offset regulations

8 February 2022

The System will work in tandem with existing provincial and territorial systems to develop a consistent suite of requirements for transferability and fungibility of GHG offset credits across Canada.

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## Tortious claims and climate change: Where are we now?

31 January 2022

What should be the response of tort law to climate change? That starkly put is the key issue raised by this appeal.

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## The WTO and Green Trade: Global solutions to solve a global problem

11 January 2022

### [DLA PIPER TRADE TRUTHS](#)

The WTO have announced three new environmental initiatives. The initiatives provide dedicated forums where businesses can discuss with international stakeholders and decision-makers. Allowing parties to come together to find creative legal, regulatory and public policy solutions to global environmental challenges.

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## A legal overview

4 January 2022

### [UNDERSTANDING THE UK NATIONAL SECURITY & INVESTMENT REGIME PODCAST](#)

In episode 2 of our podcast series we discuss the legal context of the regime: how it will operate and the implications for businesses. In particular, the legislation - which comes into force today, 4 January - has wide reaching implications for M&A involving businesses or assets connected with the UK.

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## Google files groundbreaking civil suit to disrupt massive botnet with blockchain backup system

10 December 2021

Civil actions to take down botnets have been around for years, but the blockchain aspect adds a new twist.

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## Get ready for collective actions in Europe

6 December 2021

Our client risk report "Get ready for collective actions in Europe", summarises the key trends and risks that consumer businesses in Europe may face following the Collective Redress Directive's implementation at the end of 2022.

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## Webinar: Africa Energy Futures - A Continent in Transition

2 December 2021

The African continent as a whole remains heavily dependent upon fossil fuels with the likes of South Africa and Nigeria remaining over 70% dependent on non-renewables. The potential for a green transition over the coming years remains pertinent, yet a long way off. The opportunity for private investment alongside government initiatives to prioritise green schemes has started to drive the way forward across the continent, as seen with the rise of hydroelectric power across Angola, Kenya and Mozambique. Thus, the potential for the continent to move away from non-renewables is within reach.

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## **The Glasgow Climate Pact: What does it mean for Business?**

23 November 2021

In this article, members of our Sustainability and ESG Steering Committee share their thoughts on eight key themes emerging from COP26 and what they mean for business.

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## **Africa Energy Futures**

19 November 2021

The Africa Energy Futures report sets out the conclusions and observations of DLA Piper Africa's member firm lawyers in 21 jurisdictions across the continent in relation to the future of energy in Africa, all within a 2030 horizon. The report's country chapters address a number of discernible trends.

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### **Africa Energy Futures: Algeria**

19 November 2021

In Algeria, despite the enactment of Law No. 04-09 of August 14, 2004, on the promotion of renewable energies in the framework of sustainable development, no concrete governmental decision to promote renewable energies has been taken since.

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### **Africa Energy Futures: Angola**

19 November 2021

The Angolan Government has created investment incentive models to be adopted in the renewable energy sector. Through the Atlas and National Strategy for New Renewable Energies plan, a framework to encourage investment in renewable energy was proposed that focuses on attracting private initiatives to the sector.

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### **Africa Energy Futures: Burundi**

19 November 2021

In Burundi, the liberalization of energy services began in 2015 following a new law on the reorganization of the electricity sector in Burundi. It involves attracting investors to the sector and promoting the emergence of national power sources through the use of public-private partnerships (PPP).

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### **Africa Energy Futures: Côte d'Ivoire**

19 November 2021

Côte d'Ivoire has launched a set of legislative and regulatory texts aiming at governing the energy sector in recent years. However, these texts need to be updated to better align with the development of the sector.

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### **Africa Energy Futures: Ethiopia**

19 November 2021

In Ethiopia, the development of the renewable energy sector will play a fundamental role in realizing the government's policy of achieving middle-income country status by 2025. In the process of realizing this goal, the sector will create job opportunities, transfer

knowledge and add skills to local professionals.

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## **Africa Energy Futures: Executive Summary**

19 November 2021

The Africa Energy Futures report sets out the conclusions and observations of DLA Piper Africa's member firm lawyers in 21 jurisdictions across the continent in relation to the future of energy in Africa, all within a 2030 horizon. The report's country chapters address a number of discernible trends.

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## **Africa Energy Futures: Ghana**

19 November 2021

Spurred by the power crises in the last decade, Ghana quickly ramped up production capacity and currently has excess capacity. But the added capacity came at a relatively high cost. The government's response has been to renegotiate some identified power-purchase agreements (PPAs) and encourage renewable sources of energy, notably solar.

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## **Africa Energy Futures: Kenya**

19 November 2021

While thermal energy continues to play a role in Kenya's energy mix, more than 70% of installed capacity comes from renewables. Over the last five years, there has been tremendous growth in renewable energy technologies, particularly wind, solar and geothermal.

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## **Africa Energy Futures: Mauritius**

19 November 2021

In today's challenging context marked by the continued prevalence of COVID-19 that has shaken Mauritius' economy and in the wake of the surge in prices of petroleum products, it is anticipated that renewable energy will play a pivotal role in the country's development.

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## **Africa Energy Futures: Morocco**

19 November 2021

In 2009, the Kingdom of Morocco launched an ambitious energy strategy which essentially seeks to increase the country's total power and share of renewables in the energy mix. The objective was to reach a 42% share of renewable energy of total power production capacity by 2020.

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## **Africa Energy Futures: Mozambique**

19 November 2021

Mozambique has the goal of becoming an energy hub in southern Africa with the production of hydrogen. Cheap energy used to produce hydrogen would be a real motivator for the construction of the long-awaited Mphanda Nkuwa Dam on the Zambezi River, a project that exists since the colonial era.

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## **Africa Energy Futures: Namibia**

19 November 2021

Namibia has great potential for renewable energy, especially solar and wind. Under the National Energy Policy of 2017, the government resolves to guide integrated resource planning by prioritizing generation projects from renewable, non-polluting, indigenous, diverse, and decentralized resources, in a way that optimizes the long-term cost of electricity supply.

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### **Africa Energy Futures: Nigeria**

19 November 2021

Nigeria will undoubtedly adopt greener sources of energy in its mix. It is expected to be mainly in the form of solar. Nigeria could generate over 50% of required power by deploying solar PV panels on just 1% of Nigeria's land mass. However, there will also be further development of thermal power plants in view of the abundant gas reserves in-country.

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### **Africa Energy Futures: Rwanda**

19 November 2021

Rwanda is committed to the sustainable development of the energy sector by giving priority to renewable energy alternatives and new technologies. Solar power is expected to contribute a significant share of power generation as technology improves and battery storage prices fall.

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### **Africa Energy Futures: Senegal**

19 November 2021

Senegal is implementing a gas to power program in the energy sector. Its purpose is to convert existing thermal power plants to dual-fuel and to build future thermal power plants using natural gas as a primary energy source. The exploitation of the GTA field will play an important role in promoting consumption of clean energy and will support the implementation of the gas to power program.

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### **Africa Energy Futures: South Africa**

19 November 2021

Although South Africa remains very reliant on fossil fuels, there has been an increased supply and use of renewable energy, particularly wind and solar. This is mainly a direct result of the 2019 Integrated Resource Plan (IRP) which sets out the South African government's diversification targets for the energy supply mix by 2030.

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### **Africa Energy Futures: Tanzania**

19 November 2021

Tanzania like other developing countries in Africa is striving to adopt various ways of ensuring that energy supply is accessible as well as affordable. Taking into account the social, environmental, and economic benefits of off-grid renewable energy vis a vis costly grid infrastructure, renewable energy will undoubtedly remain a dependable energy source for Tanzania in the near future.

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## Africa Energy Futures: Tunisia

19 November 2021

Tunisia is in the process of launching its first generation renewable energy projects. As part of this process, the state plans to build renewable energy projects with a capacity of 500 MW. Annual investment for these projects is estimated at USD400 million, which will improve Tunisia's energy autonomy, reduce production costs and create jobs.

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## Africa Energy Futures: Uganda

19 November 2021

Due to the need to diversify Uganda's energy mix and fulfill the country's climate change commitments, the government's emphasis will be on renewable forms of energy such as wind, solar and biogas. Nevertheless, it is anticipated that large and mini-hydro will continue to be Uganda's principal energy supply source in the medium to long-term.

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## Africa Energy Futures: Zambia

19 November 2021

In Zambia, renewable and new technologies will attract foreign direct investment and can be used to develop the economy following the negative effects of poor rainfall in the past few years and COVID-19. There has been recent growth in industrial activity which has increased the demand for energy.

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## Africa Energy Futures: Zimbabwe

19 November 2021

Investment opportunities will arise in two main areas in Zimbabwe in the next decade: renewable energy and petroleum. The government has provided incentives to the energy sector and awarded several IPP licenses to different companies, but very few of these projects have been executed. The delay in implementing these projects has been caused by a lack of funding in light of perceived currency risks.

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## Episode 9: What will it take to decarbonise heat?

18 November 2021

### [THE CLIMATE TRANSITION PODCAST](#)

Natasha Luther-Jones is joined by Richard Nourse, Founding Partner of Greencoat Capital, and James Samworth, who co-heads the company's bioenergy division, to discuss the need to decarbonise heat, the opportunities, benefits and uncertainties.

DLA Piper · Low Carbon Heat

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## Africa Energy Futures: Botswana

19 November 2021

Botswana's power system has been characterized by unreliable power supply, lack of investment, poor maintenance and high service costs. To meet its peak power demand, Botswana imports power from the Southern Africa Power Pool – mainly from South Africa – and when imports are not available, resorts to the use of costly backup diesel power plants.

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## New developments in the Mexican energy sector generate uncertainty



17 November 2021

A discussion of relevant measures, criticisms and comments.

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## **Episode 8: What is the potential of green hydrogen as a clean and renewable energy source?**

11 November 2021

### **THE CLIMATE TRANSITION PODCAST**

Andreas Gunst and Lee Beck of Clean Air Task Force discuss the potential of green hydrogen as a clean and renewable energy source.

DLA Piper · Episode 8: What is the potential of green hydrogen as a clean and renewable energy source?

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## **The role of offshore wind in O&G's energy transition**

11 November 2021

The oil and gas sector wants to change. Faced with an inevitable decline in long-term prospects resulting from climate change and the need for an energy transition, oil and gas companies increasingly realise that their future lies outside fossil fuels.

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## **Carbon Matters - Autumn 2021**

2 November 2021

This autumn edition of Carbon Matters launches the same week COP26 commences in Glasgow. This edition includes articles on COP26, the pledges so far and what we might expect; the UK's Hydrogen Strategy; and the government's consultation paper to amend the Energy Savings Opportunity Scheme (ESOS).

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## **National Security and Investment Act 2021:**

1 November 2021

The National Security and Investment Act 2021 (the Act) is due to come into force on 4 January 2022. The Act gives the Secretary of State extensive powers to review transactions where it considers there is or may be a risk to national security.

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## **Treasury releases 2021 Sanctions Review: Its key recommendations and their implications for the private sector**

28 October 2021

### **GLOBAL SANCTIONS ALERT**

The Report puts into perspective recent Biden Administration sanctions while helping to forecast what will come.

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## **The new EU toolbox to tackle soaring energy prices**

22 October 2021

The ongoing energy price crisis in the aftermath of COVID-19, which has curtailed industrial production and left consumers across Europe facing higher heating bills as winter approaches, has ramped up pressure on the EU and EU Member States to urgently address the problem.

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## **BEIS publishes draft energy national policy statements and launches consultation until 29 November 2021**

14 October 2021

DLA Piper's summary of the UK Government's revised national policy statements relating to nationally significant energy projects in England and a reminder to all investors, developers and operators of energy infrastructure to consider responding to the consultation, to shape future consenting policies and emerging technologies.

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## **Five issues to watch for at COP26 in Glasgow**

12 October 2021

Hopes had already been high for COP26 even before the pandemic paused it. The pent-up potential has only heightened those expectations.

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## **An interview with Aldersgate Funding**

11 October 2021

In this podcast, DLA Piper partner Henry Quinlan interviews Jim Holding and Matthew Lo at Aldersgate Funding Limited, who shed some light on the advantages of litigation and arbitration funding; the types of claims eligible for funding; the process of funding a case; and the jurisdictional constraints on this type of financing.

DLA Piper · Aldersgate Funding on how litigation funding can help your business

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## **OECD announces global deal on international tax reform with its Two-Pillar solution**

11 October 2021

In addition, the OECD sets out a detailed implementation timeline aiming to have parts of the plan ratified in 2022 and effective as early as 2023.

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## **President of Mexico files constitutional reform bill on electricity**

7 October 2021

The result may include serious consequences for private investors in the energy sector in Mexico.

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## **Commodities trading firms face increasing risk of FCPA enforcement activity**

5 October 2021

These developments signal a new, active period of heightened anti-corruption scrutiny for commodities trading firms.

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## Recent key ESG and green finance regulation changes in Russia

28 September 2021

In this legal update, we present a brief overview of the development and recent key regulatory changes on sustainable development and ESG (Environmental, Social, and Corporate Governance), green finance and green energy in Russia.

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## Episode 7: How can we ensure emerging markets aren't left behind?

20 September 2021

### THE CLIMATE TRANSITION PODCAST

In this episode, Natasha Luther-Jones is joined by Rael McNally from Blackrock and the lead portfolio manager for the Climate Finance Partnership, an innovative clean energy infrastructure strategy focused on emerging markets, to discuss the opportunities and challenges of investing in emerging markets.

DLA Piper · How can we ensure emerging markets aren't left behind?

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## Protecting your company from supply chain cyber attacks

September 2021

Today, virtually all companies rely on third-party technical solutions to manage their business. The downside is that incorporating new third-party technology into business operations creates new vectors for cyberattacks.

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## 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.

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## Consumer Em-Power-ment: Treasury proposes draft rules for the Consumer Data Right in the Australian energy sector

3 September 2021

The Australian Government Treasury has released for industry consultation, draft amendments to the Consumer Data Right rules and regulations made under the Competition and Consumer Act 2010 (Cth), seeking to expand the Consumer Data Right regime into the energy sector.

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## Episode 6: Will oil giants supercharge the transition?

20 July 2021

### THE CLIMATE TRANSITION PODCAST

Oil giants have responded to Covid-19 by setting out 'green recovery' plans that could massively increase their investments in renewables. How will we see these companies change? How will this affect investment in renewables? In this episode, we look at these oil giants' changing investment plans and what this means for the energy transition.

## Episode 5: What should we expect from COP26?

6 July 2021

### [THE CLIMATE TRANSITION PODCAST](#)

In this episode, we're joined by Ambassador P. Michael McKinley as we look ahead to COP26 and the best that businesses can hope for. Will this mark a step change in the energy transition? Are we putting too much faith in politicians to lead on that transition? How much can businesses lead and, if so, how much will COP26 help them?

## 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.

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## Episode 4: Does energy need a digital transformation too?

11 June 2021

### [THE CLIMATE TRANSITION PODCAST](#)

In this episode, we are joined by Brian Case, Chief Digital Offer at GE Renewable Energy to discuss the digital transformation of the energy sector.

## ESG and Renewable Energy in Africa

9 June 2021

Last month we moderated a great webinar with Invest Africa, focused on ESG issues in the renewable energy space. If you missed it and want to hear what Cathy Oxby, Chief Commercial Officer from Greenco, Dr. Valeria Biurrun-Zaumm, Senior Investment Manager from DEG and Orli Arav, Managing Director (FEI) -from Lion's Head Global Partners had to say, watch our video.

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## Reforms in the energy legal framework in Mexico and challenge mechanisms

4 June 2021

The Energy Counter-Reform includes variations which aim to restore the monopoly power of CFE and Pemex.

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## 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.

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### Episode 3: Are corporates in the green driving seat?

24 May 2021

#### THE CLIMATE TRANSITION PODCAST

We have seen growing demand from corporates to buy power from wind and solar projects. In this episode, we are joined by Phil Dominy from EY as we look at how current agreement in these power purchase agreements (PPAs) is driving significant corporate activity on fixing the climate crisis. Are PPAs delivering the action we need? How can corporates work closely with renewable operators to do more and do it faster? How can we grow PPAs beyond a handful of off-takers and countries?

DLA Piper · Corporate power purchase agreements: Are corporates in the green driving seat?

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### Sustainable Finance Disclosure Regulation - navigating implementation

17 May 2021

#### EU SUSTAINABLE FINANCE

From 10 March 2021 the Sustainable Finance Disclosure Regulation (SFDR) required Fund and Asset Managers to disclose a significant amount of new information, including how they consider sustainability risks in their investment processes and products.

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### 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.

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### Episode 2: The hydrogen age: fact or science fiction?

5 May 2021

#### THE CLIMATE TRANSITION PODCAST

In 2020, politicians around the world threw their weight behind green hydrogen as the fuel that will unlock the energy transition. Are they right? Can we pin our hopes on a technology that has been around since the 1970s? How can we overcome all of the hurdles? And, if we are heading for a hydrogen future, can we make it as clean as possible?

DLA Piper · The hydrogen age: fact or science fiction?

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### Greece's renewable energy sector: New rules in the pipeline to unleash potential

30 April 2021

The renewable energy sector (RES) in Greece continues its growth course, despite the impact of an unprecedented COVID-19 health crisis on the economy. Last year, 2020, has been a landmark year for Greece's energy transition, while the first quarter of 2021 indicates that this year will not be any different.

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## Episode 1: When will offshore wind go truly global?

22 April 2021

### THE CLIMATE TRANSITION PODCAST

Offshore wind is growing in Europe and Asia, and will in the US too. In this episode, Olivia Breese from Ørsted joins us to discuss the health of the offshore wind market. Where are the current and future hotspots? Will floating wind help to unlock huge investment activity? And how can companies navigate an environment where power prices are falling yet bidding costs are rising?

DLA Piper · The Climate Transition Podcast: When will offshore wind go truly global?

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## US government announces sweeping sanctions against Russia

16 April 2021

### GLOBAL SANCTIONS ALERT

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

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## Mexico's Hydrocarbons Law Reform Bill: A controversial new measure in the Mexican energy sector

8 April 2021

The reform seeks to give Pemex the same monopoly control it had over the national market before the 2013 energy reform.

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## CFTC's new Climate Risk Unit: Another tool in the Biden Administration's "whole of government" campaign against climate change

23 March 2021

With this move, the US joins governments across the globe in recognizing the vital role derivatives markets will play in developing new solutions to address climate and sustainability challenges.

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## Reform to the Electric Industry Law: a new risk for energy projects in Mexico

10 March 2021

Foreign investors involved in energy projects in Mexico may wish to consider their rights and potential remedies under applicable investment treaties.

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## 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.

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## Sustainable Finance Disclosure Regulation – Are you ready?

16 February 2021

### [EU SUSTAINABLE FINANCE](#)

Sustainability and ESG issues are making headlines like never before. 2021 has started with a flurry of activity, announcements and promises from policymakers and corporations around the world.

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## 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).

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## The Hydrogen Revolution in EMEA

4 February 2021

Hydrogen will have a valuable role to play as many of the world's leading economies see investment in green energy as a key component of their sustainable strategies. In this report, we look at developments across EMEA, geographies linked by their existing commitment to hydrogen and the work being done in recognition of its future potential.

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## Boardroom Brexit: What the deal means for business

31 December 2020

### [BOARDROOM BREXIT](#)

Welcome to this last edition of Boardroom Brexit, marking the end of the negotiations and the agreement of a new trade deal, the UK-EU Trade and Cooperation Agreement (TCA). In this edition, we summarise the impact of the deal on all aspects of business operations in one place – please use the hyperlinks below to help you navigate the report.

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## Boardroom Brexit: What the deal means for energy and climate change

31 December 2020

### [BOARDROOM BREXIT](#)

The TCA regulates the trade in electricity and gas between the EU and the UK over interconnectors, provides for cooperation in respect of security of supply, the integration of renewables into their respective markets and cooperation to develop hybrid projects that combine interconnectors and offshore wind farms in the North Sea (thus opening up the potential for a North Sea grid), as well as ensuring open and fair competition and stipulating general safety standards.

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## 'Parent company' liability: from Vedanta to BHP

18 December 2020

On 9 November 2020, the English High Court handed down its decision in *Município De Mariana & Ors v BHP Group Plc & Anor* [2020] EWHC 2930 (BHP), striking out for abuse of process what would have been the largest mass tort claim in English legal history.

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## Climate change convergence? The potential for global collaboration following China's momentous announcement

17 December 2020

With the election of Joe Biden, it is widely expected that the US will reengage with the international community in the fight against climate change and in efforts to reduce overall emissions.

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## Five Years into the Paris Agreement - Success or stalling?

16 December 2020

As the dust settles on the weekend's Climate Action Summit, co-hosted by the UK, France and the UN, we wanted to shine a spotlight on the headlines coming out of the Summit, what this means for the future of the Paris Agreement, and how these will impact businesses.

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## Climate activism: Status check and opportunities for public companies

14 December 2020

The systemic risk of climate change is being discussed and managed in board rooms around the world.

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## Oil and gas operations in Latin America

3 December 2020

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

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## 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.

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## Brexit: Choice of Law, Jurisdiction, Enforcement, and Service

27 November 2020

This article looks at the impact of reaching the end of the Brexit transition period (at 11pm on 31 December 2020) on governing law, jurisdiction, enforcement, and service in contracts between UK entities and EU member state entities.

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## Issue 5

23 November 2020

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

As the world adjusts to a new normal, businesses across all sectors will be anticipating significant changes to their operations and priorities. Continued disruption across the Energy and Natural Resources (E&NR) sector may, for example, see participants seek to re-visit long-term contracts, with subsequent disputes being played out in court.

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#### **Greece: New package of financial and structural measures boosts the role of RES on the way to the country's "green" transition**

19 November 2020

On 1 November 2020, what is probably a new era for the Greek energy market was marked by the launch of the so-called "Target Model" implementation plan. The term "Target Model" essentially describes EU's initiative to create a single EU energy market, as such initiative is enshrined in the Third Energy Package.

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

2 November 2020

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

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

27 October 2020

### **ESG HANDBOOKS AND GUIDES**

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

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#### **Replacing NAFTA: What the USMCA means for the future of North American trade and investment – a Q&A**

26 October 2020

Contributors from the US, Mexico and Canada discuss several key considerations.

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#### **Venezuela: Recent, significant commercial arbitration developments include several Supreme Tribunal cases**

26 October 2020

Recent significant developments in Venezuela's arbitration landscape.

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#### **Germany's New Foreign Direct Investments (FDI) Act took effect on 11 October 2020**

19 October 2020

In addition to the intended amendments to the Foreign Trade and Payments Act Germany's Federal Government on 20 May 2020 has decided on a bill that broadens the scope and the scrutiny with regard to foreign investments.

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

16 October 2020

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

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## **The energy transition and renewable energy in Chile: Top points for foreign investors**

8 October 2020

Chile has been actively addressing the energy transition for more than a decade, building a legal foundation that is attracting investment in renewable energy projects.

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

6 October 2020

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

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

17 September 2020

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

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## **Human rights compliance programmes in the Energy & Natural Resources sector**

10 September 2020

The risk of adverse environmental, social or human rights impacts is one that Energy & Natural Resources businesses will be familiar with.

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

10 September 2020

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

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

24 August 2020

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

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## **Release of exposure draft legislation for major reforms to Australia's Foreign Investment Framework**

10 August 2020

Many governments around the world have been strengthening their laws relating to foreign investment. Australia is no exception to this development and has just released proposed sweeping reforms to its foreign investment regime. In this article, we provide a high level overview of the key proposed amendments and our thoughts on how some of those proposals are likely to affect foreign investment into Australia.

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## **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.

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

16 July 2020

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

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## **Are you ready for the USMCA? Customs-related takeaways on key changes from NAFTA**

30 June 2020

Claiming USMCA duty advantages – practical considerations.

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## **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.

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## **Scotland gets go ahead for multi-billion pound wind farm investment**

29 June 2020

As an antidote to all the COVID-19-related gloom, 10 June brought good news in Scotland for all stakeholders in the offshore wind sector.

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## 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.

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## 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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## Intellectual Property and Technology News (United States), Issue 23, Q3 2014

10 SEP 2014

### [INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

Our Intellectual Property and Technology News reports on worldwide developments in IP and technology law, offering perspectives, analysis and visionary ideas.

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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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## EU: new obligations for digital services providers and operators of essential services

28 JUN 2016

In line with the EU's broader Cyber Security Strategy, the NIS Directive is a significant step towards a more secure cross-border cyberspace with a high shared level of network and information system security.

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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

#### International Women's Day

10 March 2022

Webinar

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#### Beyond Politics: The Person Behind the Policies

16 February 2022

Webinar

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#### Embracing Digital Evolution

15 September 2021

Webinar

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## Part 2 - Use of FIDIC for offshore projects

26 May 2021  
Webinar

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

27 April 2021  
Webinar

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## The societal, medical and economic consequences of the global pandemic and the lessons we can learn

22 March 2021  
Webinar

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## Use of FIDIC for offshore projects

4 February 2021  
Webinar

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## The Brexit Deal - what does it mean for climate change and energy?

26 January 2021  
Webinar

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## EDPB recommendations for safeguarding data transfers after Schrems II

19 November 2020  
Webinar

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## International advertising law webinar: The trend to sustainability and ESG advertising

15 July 2020 (afternoon session)

[INTERNATIONAL ADVERTISING LAW WEBINAR: THE TREND TO SUSTAINABILITY AND ESG ADVERTISING](#)

Webinar

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## International advertising law webinar: The trend to sustainability and ESG advertising

15 July 2020 (morning session)

[INTERNATIONAL ADVERTISING LAW WEBINAR: THE TREND TO SUSTAINABILITY AND ESG ADVERTISING](#)

## NEWS

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### **DLA Piper advises Philip Morris International Inc. on USD16 billion recommended cash offer for Swedish Match**

12 May 2022

DLA Piper, as International Counsel, is advising Philip Morris Holland Holdings B.V., an Affiliate of Philip Morris International Inc. (PMI), on its USD16 billion recommended public offer to the shareholders of Swedish Match AB (Swedish Match), a public limited company with shares listed on Nasdaq Stockholm.

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### **DLA Piper advises Borosil Renewables on acquisition of Interfloat and Brandenburger Glasmanufaktur**

6 May 2022

DLA Piper has advised Indian solar glass manufacturer Borosil Renewables ("BRL") on its acquisition of Interfloat Group, Europe's largest solar glass producer.

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### **DLA Piper advises BASF on financing for its stake in offshore wind farm Hollandse Kust Zuid**

28 April 2022

DLA Piper has advised BASF on the financing of the construction of offshore wind farm Hollandse Kust Zuid (HKZ), which will be provided by a club of international lenders.

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### **DLA Piper advises BASF on partnership with Vattenfall in offshore wind farm sector**

26 April 2022

DLA Piper has advised BASF on a partnership with Vattenfall in respect of an offshore wind farm project. BASF and Vattenfall will jointly participate in the tender process for the Hollandse Kust West (HKW) offshore wind farm.

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### **DLA Piper advises Rabo Carbon Bank on sale of voluntary carbon credits to Vattenfall, Greenchoice, Interfood Group, Hoogwegt Group and Interpolis**

14 April 2022

DLA Piper has advised Rabo Carbon Bank who made its first sale of voluntary carbon credits to Vattenfall, Greenchoice, Interfood Group, Hoogwegt Group and Interpolis.

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### **DLA Piper advises LBBW on the financing of H2air's Myosotis wind farm in France**

29 March 2022

DLA Piper advised the German bank LBBW (Landesbank Baden-Württemberg) in connection with the financing of a 42.6 MW wind farm developed by H2air and located in the Grand Est (Eastern) region in France. The closing took place at the end of December 2021.

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## **DLA Piper tops inspiratia 2021 renewable energy rankings**

29 March 2022

DLA Piper has been ranked as the number one law firm for advising on completed renewable energy deals in 2021. The ranking is compiled by inspiratia, a provider of real-time energy industry analysis and news.

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## **DLA Piper strengthens its litigation and international arbitration practice with partner Dr Marc Jacob**

16 March 2022

DLA Piper will strengthen its Litigation & Regulatory practice group with the appointment of Marc Jacob as a new partner in the Frankfurt office, effective 1 April 2022. He joins DLA Piper from Shearman & Sterling, where he practised litigation and international arbitration since 2013.

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## **DLA Piper advises UGI on joint venture with SHV Energy**

2 March 2022

DLA Piper has advised UGI International, a subsidiary of UGI Corporation, on the creation of a joint venture with SHV Energy to advance the production and use of renewable dimethyl ether (rDME).

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## **DLA Piper advises Innergex on GBP506 million renewable energy acquisition**

9 February 2022

DLA Piper represented Innergex Renewable Energy Inc. on its agreement to acquire Aela Generación S.A. and Aela Energía SpA, a 332 MW portfolio of three newly built operating wind assets in Chile, for a purchase price of GBP506 million.

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## **DLA Piper signs Power Purchase Agreement initiating the construction of UK solar farm**

27 January 2022

DLA Piper has signed a corporate power purchase agreement with NextEnergy Group relating to the energy generated from a new build solar farm in the UK, as part of DLA Piper's drive to reach its decarbonisation targets.

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## **DLA Piper advises H&M Group on global renewable partnerships to further the growth of renewables**

21 January 2022

DLA Piper has advised Swedish fashion retailer H&M Group on two significant partnerships with global solar energy companies.

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## **DLA Piper advises Elgin Energy on sale of UK's largest solar portfolio**

19 January 2022

DLA Piper has advised Elgin Energy, a leading international independent solar and storage developer, on the sale of a 519MW portfolio of solar PV projects and 70MW of co-located energy storage capacity to ScottishPower Renewables (UK) Limited, a wholly-owned



subsidiary of global utility Iberdrola Group, one of the world's largest energy companies.

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### **DLA Piper advises NSG Group on their first virtual power purchase agreement**

18 January 2022

DLA Piper has advised NSG UK Enterprises Limited (NSG), part of NSG Group, the world's leading supplier of glass and glazing systems in the business areas of architectural, automotive and creative technology, on their first virtual power purchase agreement (vPPA).

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### **DLA Piper advises BASF on selling 25.2% of the offshore wind farm Hollandse Kust Zuid to Allianz**

7 December 2021

DLA Piper has advised BASF on selling 25.2% of the offshore windfarm Hollandse Kust Zuid (HKZ) in the Netherlands to Allianz.

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### **DLA Piper has acted as legal adviser to UK Infrastructure Bank on its first private-sector transaction which relates to the financing of a portfolio of subsidy-free solar projects**

2 December 2021

The UK Infrastructure Bank (UKIB) has made its first private-sector transaction, providing financing to the initial seed assets of NextEnergy Capital's (NEC) GBP500m subsidy free solar fund – comprising two major subsidy-free solar farms in the UK.

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### **DLA Piper sets science-based target to halve all emissions by 2030**

30 September 2021

DLA Piper International LLP has set a science-based target (SBT) to halve its greenhouse gas emissions by 2030 compared to 2019/20 pre-pandemic levels.

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### **DLA Piper helps Hellenic Republic resolve Greek electricity market dispute**

22 September 2021

DLA Piper has advised the Hellenic Republic in negotiations with the European Commission to resolve a landmark 'Greek lignite and electricity markets' antitrust case.

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### **DLA Piper advises lenders on two solar energy projects in Ireland under RESS 1**

21 July 2021

DLA Piper has advised Coöperative Rabobank U.A., Landesbank Baden-Württemberg and Norddeutsche Landesbank Girozentrale as the lenders to Highfield Solar Limited in the financing of two separate solar energy projects in Ireland with a total capacity of 282 MWp.

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## **DLA Piper advises Heliad Equity Partners on its participation in EUR100m financing round of Enpal**

9 July 2021

DLA Piper has advised Heliad Equity Partners GmbH & Co. KGaA on its participation in a EUR100m financing round of Enpal. Heliad Equity Partners is investing a single-digit million amount as part of the financing round.

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## **DLA Piper advises Baker Hughes on its investment in bio-methanation company Electrochaea**

29 June 2021

DLA Piper has advised US stock-listed energy technology company Baker Hughes on its investment in Electrochaea, a growth stage company developing novel proprietary bio-methanation technology.

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## **DLA Piper advises BASF on the acquisition of 49,5% stake in offshore wind farm Hollandse Kust Zuid from Vattenfall**

24 June 2021

DLA Piper has advised BASF on the acquisition of 49,5% percent of Vattenfall's offshore wind farm Hollandse Kust Zuid in The Netherlands. The purchase price amounts to EUR0,3 billion and takes into account the achieved status of the project.

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## **DLA Piper advises on Prime Capital's acquisition of the 192MW Lappfjärd project in Finland**

24 June 2021

DLA Piper has advised Prime Capital AG and Prime Green Energy Infrastructure Fund S.A. SICAV-RAIF on the acquisition of the 192 MW Lappfjärd wind farm from CPC Finland.

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## **Cloudberry Clean Energy ASA lists on Oslo Børs**

23 June 2021

Cloudberry Clean Energy ASA (Cloudberry), the Nordic renewable energy company that owns, develops and operates hydro power plants and windfarms in Norway and Sweden, today moved from Euronext Growth to a listing on Oslo Stock Exchange's main list, Oslo Børs. Our Oslo-based Capital Markets team advised Cloudberry on the listing.

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## **DLA Piper advises lender on financing of wind farm portfolio in Finland**

10 June 2021

DLA Piper has advised Kommunalkredit Austria AG as lender to Renewable Power Capital (RPC) in the financing of a portfolio of three on-shore wind farms with a total capacity of 154 MW in Finland, known as Merkkikallio, Puutikankangas and Rustari.

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## **DLA Piper partners with Datamaran to integrate ESG due diligence**

13 April 2021

DLA Piper has partnered with ESG risk management and data platform, Datamaran, to integrate Environment, Social and Governance (ESG) due diligence into legal due diligence.

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## **Planned hydrogen projects outnumber current projects across Europe as demand for clean energy increases**

9 February 2021

The number of planned or announced hydrogen projects across Europe is almost double that of current operational projects as demand for clean energy solutions heightens globally, according to research by global law firm DLA Piper and inspiratia.

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## **DLA Piper advises Wintershall Dea tax wise on successful 1.5 billion Euro subordinated notes transaction**

27 January 2021

DLA Piper has advised Wintershall Dea GmbH, Europe's leading independent natural gas and oil company, on tax law aspects of the successful issue of its first subordinated notes in two tranches in the total amount of EUR1.5 billion.

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## **DLA Piper advises Prime Capital and Enlight Renewable Energy on large investment in Sweden**

13 October 2020

DLA Piper has advised Prime Capital AG, the independent asset manager and financial services provider, and Enlight Renewable Energy (Enlight), the Tel-Aviv-listed independent power producer, on their co-investment in the ready-to-build Björnberget wind park project in central Sweden. This is Prime Capital's first investment from its newly launched.

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## **DLA Piper advises Lithuania's Ignitis Group on acquisition of minority stake in Moray West wind farm**

28 September 2020

DLA Piper has advised Ignitis Group on its acquisition of a minority stake in the Moray West wind farm development project on the east coast of Great Britain.

The acquisition represents a strategic partnership between Ocean Winds and Ignitis Group for the development of offshore wind farm projects.

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## **DLA Piper advises Iberdrola on AUD893 million takeover**

25 August 2020

Global law firm DLA Piper has advised Spanish utility giant Iberdrola on its AUD893 million takeover of Infigen Energy (ASX:IFN).

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## **DLA Piper advises Syngenta on the acquisition of South African Sensako Group**

17 August 2020

DLA Piper has advised Swiss-based Syngenta Group on its acquisition of Sensako Group, a South African seeds company engaged in the breeding and the commercialization of agronomic crops.

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## **DLA Piper advises Banco Santander on innovative funding of subsidy-free solar projects in the UK**

2 June 2020

DLA Piper has acted as legal advisor to Banco Santander on the financing of a portfolio of subsidy-free solar projects which includes initially two projects for a total capacity of 115 MW.

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## Sustainability and ESG

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More than 35 countries around the world have declared a state of climate emergency, with many jurisdictions, among them Sweden, the UK, France, Denmark and New Zealand, having legislated net-zero emissions targets.

The International Energy Agency's (IEA) recent "Net Zero by 2050, A Roadmap for the Global Energy Sector" report confirms the critical role the sector plays.<sup>1</sup> Currently the sector is the source of around three-quarters of greenhouse gas emissions, yet also holds the key to averting the worst effects of climate change. Based on the IEA's scenario, deep emission cuts until 2030 must come from existing commercially available technologies. This will require the deployment of all available clean and efficient energy technologies and a massive scale up of solar and wind technologies. In addition, hydropower and nuclear, the two largest low-carbon sources available today, will be an essential foundation for the transition. After 2030, the biggest innovations and opportunities will be found in advanced batteries, hydrogen, electrolyzers, and direct air capture and storage.

Other key Sustainability and ESG (SESG) issues affect the energy and natural resources sector (ENR) in profound ways and environmental factors are only part of the picture: social and governance elements are also key drivers of success. For some companies, protecting human rights, protecting a watershed, and considering long-term impacts on local communities is crucial. Actions such as linking executive remuneration to delivery of SESG targets is currently best practice and demonstrates commitment. The spectrum of issues is broad and the geographic location and specific asset characteristics essential. The risks themselves are also dynamic and non-linear, introducing additional challenges in identifying and addressing them—unless they are viewed through an integrated sector lens.

Accelerating the transition to a decarbonised, climate resilient economy also comes with an essential requirement: a just and fair transition. This "just transition" needs to support affected workers and vulnerable communities, so no one is left behind.

Our Sustainability and ESG team within the ENR sector is well versed in these complexities. We understand that each company's needs differ enormously, depending on sector, strategy and context. We can address those challenges and provide tailored advice in areas of sustainable finance, climate change, corporate PPAs, human rights, worker protections, supply chains and community inclusion. We know that companies are seeking to demonstrate that they are incorporating SESG into their strategies and operations and that they recognize the hazards and material risks which may arise from inadequate prioritization of SESG concerns.

### RENEWABLES

The transition to a net-zero economy means renewable energy solutions are in high demand. However, for renewable energy companies, climate change issues are only part of the story. Even renewable energy can be unsustainable if it does not adequately integrate SESG factors. Aspects such as supply chain management, data security, human rights and materials sourcing, among others, need to be carefully considered. For instance, supply chain issues for solar projects are substantial: panels may be manufactured in another country, even in another hemisphere, and then shipped around the world to the solar park location. Similarly, developing wind farms often means constructing and maintaining facilities in remote locations, and therefore addressing health, safety and employment issues, in addition to environmental and supply chain concerns. A recycling plant can be a great initiative, but is it sustainable if the waste trucks run on diesel fuel and the drivers are paid below the minimum wage? The need to consider SESG exists throughout the life cycle of a renewable energy project, be it in planning, developing, operating or decommissioning.

### OIL AND GAS

The energy transition aims to transform the global energy sector from fossil-based to net-zero greenhouse gas emissions by 2050. We are witnessing major integrated oil and gas companies committing to aligning their portfolios with the Paris Agreement goals, with many energy majors investing more and more in their renewable energy offerings.

Forward-thinking companies in the industry understand that being sustainable means reviewing all parts of the business, including health and safety issues on rigs, product design to ensure the safe and effective transportation of substances at all stages of the

process, and transparent risk mitigation and management.

When we advise energy majors on sustainability issues, generation of energy from renewable sources is a benefit, yet by no means the sole element of the approach to sustainability.

## MINING

For the mining sector, transitioning to net-zero emissions is also a key element. Mining operations need to be taken into account, but so do the indirect emissions that occur in the value chain, including both upstream and downstream. In addition, businesses will need to improve their collaboration with customers to become resource efficient and to reuse and recycle energy-intensive commodities and minerals, such as steel and copper.

Furthermore, the ever-growing demand for new technology components and energy storage solutions means that the mining sector is experiencing a shift in demand toward higher production of key minerals. This change comes hand in hand with environmental and social impacts that need to be mitigated and managed appropriately and transparently. Human rights and local community engagement are vital elements of sustainability.

Shifting investor and consumer expectations are also a key driver. Investors are increasingly calling for reporting and transparency requirements regarding a company's material ESG factors and how these integrate into the company's governance, strategy, risk management, metrics and targets. Access to capital and the cost of capital are also being progressively linked to ESG performance and impacts.

## WATER

Building water resilience and providing for water security are essential issues around the world. A product's efficient use of water over its lifetime as well as the water footprint of its production are factors that will grow in prominence as water shortages, climate perils and chronic impacts of climate change increase.

Another aspect of industrial consumption of water arises from water pumping and distribution, which generate significant levels of emissions. Using renewable energy for these operations will become important for the water sector. Payment for ecosystem services and nature-based solutions (aiming to help protect watersheds and secure access and supply) are policies that are already gaining traction in large jurisdictions such as the European Union.

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<sup>1</sup>IEA, Net Zero by 2050, A roadmap for the Global Energy Sector (May 2021)