



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

Commodities

- 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.

[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

Publications

Food and Beverage News and Trends

2 December 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

Suspend imports of fresh beef from Brazil, US cattle group says; plant-based producers take new approach in suit over Oklahoma labeling law; plus salt, soda, and news from Hawaii

Six commodities predictions for 2022

2 December 2021

The worldwide turmoil of 2020 is, in many ways, still with us, but the good news is that alongside the struggles, the commodities realm is seeing an immense number of opportunities. Here, we take a fast look at the six areas we think the commodities sector should be watching in the year to come.

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.

New developments in the Mexican energy sector generate uncertainty

17 November 2021

A discussion of relevant measures, criticisms and comments.

Food and Beverage News and Trends

12 November 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

Avoid foods with glittery garnishes, CDC says; USDA considers whether Salmonella should be declared an adulterant; soaring energy costs this year may mean widespread food shortages next year.

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.

Global Reporting Initiative updates its Universal Standards – revisions will affect ESG reporting by numerous businesses

3 November 2021

GRI 11 outlines topics likely to be material for oil and gas organizations and lists relevant disclosures, such as air emissions, climate adaptation, and water and effluents.

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

28 October 2021

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

FERC reliability standards in wake of Winter Storm Uri

27 October 2021

One recommendation included a mandatory electric reliability standard.

A summary: the CFTC position limits compliance deadline of January 2022

21 October 2021

Changes to the definition of a “bona fide hedging transaction or position.”

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.

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

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.

New antidumping and countervailing duty petition: Oil country tubular goods from Argentina, Mexico, the Republic of Korea, and Russia – consequences for industry and downstream consumers

8 October 2021

US AD and CVD investigations can result in the imposition of substantial duties in addition to already applicable duties and tariffs.

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.

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.

Biden Administration works to expand US offshore wind market

28 September 2021

The federal government moves forward assertively with an expanded leasing program aiming to double offshore wind production by 2030. Meanwhile, some states are acting too.

As California aims to achieve carbon neutrality, CARB is updating the Scoping Plan: stakeholders may take part in the September 30 workshop

27 September 2021

An opportunity to engage with California's strategic approach to addressing climate change.

Commodities News and Trends

20 September 2021

COMMODITIES NEWS AND TRENDS

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

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 an 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?

By any standard? Meeting sustainability commitments through credible carbon markets

13 September 2021

Operating in today's evolving voluntary carbon trading ecosystem.

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.

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.

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.

Energy storage tax credits and climate goals: Latest developments in Washington

24 August 2021

To meet President Joe Biden's goal of achieving 100-percent carbon pollution-free electricity by 2035, the US is anticipated to need 100 GW of storage by 2030.

Brazil: Bioenergy in the ESG context

22 July 2021

A look at Brazil's evolving approach to the sustainable use of environmental resources.

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.

DLA Piper · Will oil giants supercharge the transition?

Ransomware preparedness: NYDFS announces additional expectations of regulated entities' cybersecurity programs

7 July 2021

As regulatees address their vulnerabilities to ransomware, NYDFS raises its expectations.

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?

DLA Piper · What should we expect from COP26?

Impact on the US solar, silicon and related industries of new US government actions aimed to address labor practices in Xinjiang

6 July 2021

Key details and implications for US companies.

Sustainability standards setter seeks input on draft GRI Standards for agriculture, aquaculture, fishing and coal

1 July 2021
Key details.

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.

Global corporate benchmarking group seeks inputs on corporate human rights standards

22 June 2021
Comments are requested by June 25, 2021.

Winter Storm Uri: New Texas legislation aims to improve power grid, restructure the grid's overseeing agency

15 June 2021
The legislation responds to calls for sweeping change to the power infrastructure in Texas.

A long hot summer: Five steps for energy commodities traders in a time of heightened scrutiny

14 June 2021
Rising temperatures may exacerbate current market volatility, which in turn may lead to heightened regulatory scrutiny.

Whatever your sector, ransomware attacks are changing how to think about platform security risk: Action steps

14 June 2021
In an increasingly digitized economy, creating awareness of platform security risks is critical.

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.

DLA Piper · The Climate Transition Podcast – Does energy need a digital transformation too?

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.

Announcing our global guide to Corporate Power Purchase Agreements

3 June 2021

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

Commodities News and Trends

3 June 2021

COMMODITIES NEWS AND TRENDS

Fossil fuel industry and ESG; energy aspects of Biden infrastructure plan; floating storage can rule the seas or give you a sea of trouble.

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.

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?

Texas considers truth in labeling law for meat-alternative products: Potential consequences in the marketplace and the courtroom

19 May 2021

Truth in labeling acts have been met with close scrutiny in the states that have passed them.

President Biden issues broad-ranging Executive Order on cybersecurity

13 May 2021

The EO sets forth new requirements for federal agencies and government service providers.

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.

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?](#)

Democrats reintroduce Climate Risk Disclosure Act

27 April 2021

The bill aims to help companies and investors assess their exposure to climate-change risk and to push companies to address their contributions to climate change.

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?](#)

FERC issues policy statement regarding state-determined carbon pricing in wholesale electricity markets

22 April 2021

The policy statement allows FERC to avoid the restriction imposed by the *EPSA* decision, which reserves certain matters under FPA section 201(b) exclusively for the states.

Georgia's HB 156, requiring state notice for utility cybersecurity incidents, is now in effect

21 April 2021

The law creates specific notice requirements for state agencies and utilities that experience cybersecurity attacks and requires swift notice to the state director of emergency management in Georgia.

US government announces sweeping sanctions against Russia

16 April 2021

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

Winter Storm Uri: Using the doctrine of impracticability or impossibility for breach of contract claims

14 April 2021

Because some potentially impacted contracts are governed by New York law, we examine these defenses in light of both New York and Texas law.

Claiming the export exemption to the Section 4081 excise tax on diesel fuel and kerosene

8 April 2021

With proper planning, a taxpayer may be able to take advantage of this exemption.

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.

***ERCOT v Panda*: The Texas Supreme Court's non-decision on ERCOT immunity**

29 March 2021

The outcome of *Panda* paves the way for the issue to return to the Court, likely next year.

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.

\$9,000 per MWh, disputes over governance and invoices, possible bankruptcies: Texas looks at the structure of its wholesale electricity market

16 March 2021

In the wake of Winter Storm Uri, Texas scrutinizes its deregulated electricity market.

CFTC final position rule limits enter into effect March 15

10 March 2021

The Final Rules aim to "prevent excessive speculation" and thus implement one of the remaining key provisions of Dodd-Frank.

Commodities News and Trends

10 March 2021

COMMODITIES NEWS AND TRENDS

Oil and gas companies commit to transparency on methane emissions reporting; CFTC adopts final position rule limits; consequences of volatile markets.

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.

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.

A discussion of Colorado plugging and abandonment rules

2 March 2021

US OIL AND GAS PLUGGING AND ABANDONMENT RULES

Plugging and reclaiming requirements for non-injection oil and gas wells and well sites in Colorado, as well as implications for bankruptcies and approaches for buyers seeking to account for these rules in asset sale agreements.

Force majeure provisions and the ISDA Power Annex

22 February 2021

As climate change generates ever more severe weather events, market participants will likely need to assess the applicability of their force majeure claims under the Power Annex.

The Biden Administration's impact on oil and gas

18 February 2021

These actions will add an additional layer of regulations for oil and gas operations.

Protection provided for *bona fide* purchaser for value without notice in transaction involving First Nation lands

12 February 2021

Courts have long protected the interests of *bona fide* purchasers for value without notice in land transactions. However, seeking this protection can become far more complicated in land transactions where First Nations communities assert an interest and where such lands are held in trust. Despite these complexities, a recent decision from the Alberta Court of Queen's Bench has confirmed that the interests of a *bona fide* purchaser for value without notice of a breach of trust should be protected.

Corruption Perceptions Index 2020 - a regional perspective

11 February 2021

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

Boardroom Brexit: What the deal means for 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.

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.

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.

CFTC's annual enforcement report touts record-breaking year

16 December 2020

CFTC releases the annual report from its Enforcement Division, and expects to continue prioritizing four key areas.

Commodities News and Trends

16 December 2020

COMMODITIES NEWS AND TRENDS

In the inaugural issue, three states collaborate on offshore wind project; record-setting year for CFTC enforcement; climate change lawsuit reaches Supreme Court - plus latest legal and regulatory developments in commodities trading.

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.

Nasdaq proposes board diversity listing standards

8 December 2020

The proposal is the first of its kind among US exchanges and, if approved by the SEC, would mark an important step toward mandated diversity requirements for the boards of US-listed public companies.

Oil and gas operations in Latin America

3 December 2020

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

Creating voluntary carbon markets: IIF recommendations and consultation – suggestions due by December 10

17 November 2020

The Taskforce's recommendations are based on core carbon principles to help establish standardized benchmark contracts for listing on exchanges and using existing infrastructure.

CFTC issues staff guidance on recognition of self-reporting, cooperation and remediation

3 November 2020

The recent guidance provides another benchmark that companies may use to demonstrate the strength and effectiveness of their internal policies to the public.

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.

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.

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

26 October 2020

Recent significant developments in Venezuela's arbitration landscape.

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.

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.

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.

PACTA for Banks brings climate scenario analysis to financial institutions

7 October 2020

PACTA for Banks is a toolkit for financial institutions to measure the alignment of their corporate lending portfolios with climate scenarios across a set of key climate-relevant sectors and technologies.

CFTC sues foreign registered exchange for engaging in activity in the US and with US persons without proper US registration

6 October 2020

The CFTC renews its commitment to protecting the US commodities markets.

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.

New York Department of Financial Services issues circular on climate change and financial risks

1 October 2020

The NYDFS expects insurers to start integrating the consideration of financial risks from climate change into their governance framework, risk management processes and business strategies.

CFTC updates guidance on compliance programs and enforcement

29 September 2020

The Guidance is the latest effort by the CFTC to ensure the transparency of its processes for registrants and the public.

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.

Distributed generation: A rising energy market in Chile

16 September 2020

This growing market has features that make it attractive for investors in uncertain times.

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

24 August 2020

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

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

10 August 2020

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

The US-Mexico-Canada Agreement: A summary of changes in Mexico's laws

6 August 2020

Mexico makes sweeping changes to an array of laws.

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.

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.

New measures threaten investments in the Mexican energy sector

14 July 2020

Details on the impact of these developments.

The new US-Mexico-Canada trade agreement goes live today

1 July 2020

USMCA is the first treaty in which complaints of noncompliance by a Mexican facility may be reported to a US government agency for the purpose of investigation and, if appropriate, remediation.

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

30 June 2020

Claiming USMCA duty advantages – practical considerations.

Changes to Hong Kong anti-discrimination legislation

30 June 2020

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

Australia tightens rules on foreign investment

17 June 2020

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

Update on the Executive Order prohibiting import and installation of bulk power system equipment sourced from a foreign adversary: DOE FAQs

8 June 2020

For those developing energy infrastructure projects in the US, addressing the uncertainties about the scope and expected implementation of the EO.

IRS modifies renewable energy tax credit safe harbors to address construction delays

5 June 2020

Extending the Continuity Safe Harbor for projects in which construction began in 2016 or 2017 by one year and establishing a safe harbor for satisfaction of the 3½ month economic performance rule.

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.

CFTC commits to ensuring a properly functioning derivative markets during COVID-19 pandemic

22 May 2020

The CFTC uses its powers under Dodd-Frank to mitigate market upheaval.

Mexican renewable energy projects affected by new measures

19 May 2020

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

Maintaining oil and gas leases during secondary terms

14 May 2020

Highlighting several relevant lease interpretation issues.

Guidance on Green Loan Principles and Guidance on Sustainability Linked Loan Principles

8 May 2020

These guidelines and standards portend an increase in sustainable finance documents and projects in the near future.

Coronavirus: Changes to rules governing meetings and the execution of company documents (Australia)

7 May 2020

Certain requirements in the *Corporations Act 2001* (Cth) (**Corporations Act**) relating to shareholders meetings, and document signatures, are not compatible with public health requirements for social distancing during the coronavirus pandemic. In order to facilitate these important corporate functions during this period, on May 6, 2020 the Australian Federal Government introduced the Corporations (Coronavirus Economic Response) Determination (No. 1) 2020.

This determination modifies the legislative requirements regarding meetings and execution of company documents. These changes come into force on 6 May 2020, and will expire after six months, on 5 November 2020.

COVID-19: New York and Other Northeast Council states take phased approach to reopening economy

6 May 2020

These developments raise a number of immediate questions and considerations for businesses operating in the region.

Ending the inevitable battle over whether the estate should assert claims: The case for independent fiduciary investigations

6 May 2020

An effective mechanism for investigating whether claims should be pursued against the debtor on behalf of the bankruptcy estate.

A discussion of North Dakota plugging and abandonment rules

5 May 2020

[US OIL AND GAS PLUGGING AND ABANDONMENT RULES](#)

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

Chicago City Council adopts electric vehicle readiness requirements

4 May 2020

[CHICAGO LAND USE NEWS SERIES](#)

The requirements affect new non-residential developments with 30 or more parking spaces and new multi-unit residential developments with five or more dwelling units.

Coronavirus: Directors' duties and making decisions in a crisis (Australia)

4 May 2020

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

In this new guide we have set out the practical steps directors should be taking to protect their company and its business going

forwards.

Are high voltage DC networks the future of electricity distribution?

29 April 2020

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

Supreme Court recognizes state court jurisdiction relating to Superfund remediation but conditions some additional landowner remedies on approval by EPA

29 April 2020

The Court decided two critical questions.

A discussion of California plugging and abandonment rules

27 April 2020

[US OIL AND GAS PLUGGING AND ABANDONMENT RULES](#)

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

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

24 April 2020

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

Projects Global Insight Issue 3, 2020

24 April 2020

[PROJECTS GLOBAL INSIGHT](#)

Contributing to a sustainable future is more important than ever during these uncertain and testing times. Infrastructure and public services are under particular pressure, especially in terms of what can be done to make them more resilient, yet adaptable.

A discussion of Texas plugging and abandonment rules

17 April 2020

[US OIL AND GAS PLUGGING AND ABANDONMENT RULES](#)

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

Paradigm Change in Germany's Foreign Direct Investments (FDI) Law

14 April 2020

Germany's FDI rules so far had a reputation of not being very strong. In the past few years, only three transactions have been prohibited. This is set to change under a new bill.

Issue 4

9 April 2020

ENERGY AND NATURAL RESOURCES CASE LAW UPDATE

In this fourth edition of the E&NR Case Law update we focus on cases from the last six months of 2019 which - even where they did not directly concern the energy sector - are of general application to the drafting and management of contracts by E&NR businesses.

Alberta government announces relief for energy industry

8 APR 2020

Alberta oil and gas producers, who are dealing with both historically low commodity prices and the COVID-19 crisis, received some relief from the Alberta government over the last several weeks as the government announced several measures designed to reduce and defer producers' costs and ease the administrative burden on producers.

Contract analysis in a crisis: flowcharts

7 April 2020

Flowcharts providing considerations for analyzing commercial contracts in the context of the COVID-19 pandemic through a logical process flow that can serve as a practical checklist.

Cost-cutting considerations in the time of COVID-19 (Part 3 – employment issues outside the US)

7 April 2020

A deeper dive into various cost-saving measures and their viability for employers outside the US.

COVID-19 and the "essential business" designation: Practical guidance for businesses that fall in the gray area between "essential" and "non-essential"

6 April 2020

Certain frequently asked questions as well as practical guidance.

Beyond social distancing: What employers need to know to keep their workplaces safe and manage privacy obligations in the face of COVID-19

2 April 2020

Guidance from OSHA, EEO and CDC to help employers seeking to protect the health, safety and privacy of their on-site employees.

Coronavirus: Cybersecurity considerations for your newly remote workforce (United States)

31 March 2020

Cyber risk management involves balancing the productivity of a workforce with ensuring confidentiality, integrity and availability of the company's own systems and data, as well as that of their supply chain.

Coronavirus: DHS Response to COVID-19 - What US Employers Need to Know

29 March 2020

Key questions and answers related to the new DHS guidance.

Coronavirus: Competition and regulatory measures in Ireland

25 March 2020

ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD

An unprecedented challenge calls for unprecedented measures. The competition and regulatory world has reacted rapidly to the challenge of COVID-19 with bold legal solutions. We discuss how EU and Irish regulators are responding with support for business, exploring the relaxation of competition laws and adopting temporary measures for merger review.

Coronavirus: Cyber hygiene practices

25 March 2020

While the world is responding to the coronavirus disease 2019 (COVID-19), and individuals are increasingly focused on personal hygiene and social distancing, augmenting cyber hygiene efforts at home and at work are increasing in importance too.

Coronavirus: Employee furloughs, reductions-in-force and similar temporary cost-saving measures (Part 2 – Employment issues outside the US)

25 March 2020

A general overview of key employment issues to consider outside of the US in light of COVID-19.

Coronavirus: Employee furloughs, reductions-in-force and similar temporary cost-saving measures in the US - Part 1

25 March 2020

Key employment-related issues for US-based employers in relation to cost-saving measures due to COVID-19.

Coronavirus: Several state and local governments issue “shelter in place” orders (United States)

23 March 2020

Between March 17 and 22, state and local governments have promulgated at least a dozen “Stay-at-Home” / “Shelter-at-Home”-type Orders. This alert provides details on a number of state and local government orders.

Energy commodity marketing and trading companies in times of crisis: Risks of heightened scrutiny from the CFTC and FERC

23 March 2020

Energy commodity marketing and trading companies should take a number of steps to mitigate the risks of regulatory infractions during times of crisis.

Coronavirus COVID-19 and a FIFO Workforce

17 March 2020

Media reports have emphasised that the Western Australian resources sector considers itself well-prepared for the threat of coronavirus COVID-19, and have measures in place to ensure any disruption to production levels is minimised. But it's important to consider what obligations employers in the mining sector have to their employees and what steps they may take to appropriately respond to the current threat.

Coronavirus (COVID-19): ten practical steps for global employers, right now (Global)

13 March 2020

These steps are not based on laws of any one jurisdiction but rather are designed to provide a global employer with themes to consider, understanding that what may be suitable for each employer may vary greatly depending on the employer's unique circumstances.

Looking at FERC record retention regulations for US commodities marketing and trading firms

4 March 2020

Exploring a hypothetical situation in which a natural gas marketing and trading company receives a FERC audit commencement letter.

EPA renewable fuel shift may increase cost of compliance

20 February 2020

What RINs are, how they are priced and how the US EPA's 2020 rules may affect compliance costs.

Coronavirus COVID-19 and corporate governance (Australia)

18 February 2020

The coronavirus COVID-19 outbreak and ensuing government restrictions raise corporate governance concerns and create areas of risk across the ESG spectrum that should be considered by companies and their directors and officers.

An update on the impact of the coronavirus on business in Singapore

12 February 2020

Due to the evolving 2019- nCoV acute respiratory disease (the COVID-19) situation, the Ministry of Health (the MOH) and the Ministry of Manpower (the MOM) have, since January 2020, issued advisories which employers will need to be aware of. In particular, the MOH and MOM have, since our last update on February 12 2020, updated and issued new advisories due to the increased risk of importation of COVID-19 into Singapore.

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

12 February 2020

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

Coronavirus COVID-19: The legal impact on force majeure events (Australia)

12 February 2020

Key considerations for parties that may wish to declare a force majeure event or dispute the declaration of a force majeure event by a counterparty in relation to coronavirus COVID-19.

Hong Kong Government introduces mandatory quarantine measures

11 February 2020

On 9 February 2020, the number of deaths due to the rapidly spreading coronavirus in Mainland China officially surpassed the figure seen during the 2002/2003 SARS epidemic.

Numerous governments have been implementing restrictions barring entry to those with recent travel history through Mainland China, including Singapore, Japan, Australia and the United States. Following pressure from public health workers, the Hong Kong Government has now followed suit and has begun a mandatory two-week quarantine for anyone arriving from Mainland China.

How to resume business amid the coronavirus outbreak (China)

11 February 2020

As reported in our previous article, China has extended its Chinese New Year holiday and work suspension period as a result of the novel coronavirus outbreak which has now infected more than 40,000 people around the world.

This is a summary of the Back to Work Day and compensation for working before Back to Work Day in key cities and provinces across China.

APAC employment issues arising out of the Coronavirus (AsiaPac)

31 January 2020

On 29 January 2020, the number of confirmed cases of the rapidly spreading coronavirus in Mainland China officially surpassed the figure seen during the 2002/2003 SARS epidemic.

Multinationals with local operations around the APAC region have been significantly affected. As staff return to the office following the Chinese New Year holiday period, businesses are now considering what they can do to minimise any risk to health and safety and support staff through this challenging period where anxiety and uncertainty is rife, whilst at the same time complying with their employment obligations and maintaining business continuity. Putting in place detailed business and contingency plans and ensuring careful communications with staff to address key topics and concerns is key, as is keeping such plans and communications under frequent review given the fluidity of the current situation.

This alert considers some of the key issues that HR and business leaders should be considering across the APAC region.

Harsher penalties on discriminatory employment practices in Singapore

29 January 2020

The Fair Consideration Framework was updated in January 2020 to impose harsher penalties on employers found to be engaging in discriminatory practices such as by favouring the hiring of foreigners over Singaporeans.

China extends holidays for workers amid coronavirus outbreak (China)

28 January 2020

Learn about how the widely publicised corona virus outbreak affects business in Greater China.

Looking ahead: commodities marketing, trading and shipping

23 January 2020

Helping to navigate this uniquely challenging environment.

How the Environmental, Social and Governance standards are affecting the commodities industry – key factors and action steps

23 January 2020

ESG affects all industries, but for the commodities industry, it is at once one of the biggest investment opportunities and one of its biggest challenges.

Iran nuclear deal: the launch of the ‘Dispute Resolution Mechanism’ and the ‘potential snapback’ of UN and EU sanctions

17 January 2020

This week, France, Germany and Britain have triggered the Dispute Resolution Mechanism against Iran under the Joint Comprehensive Plan of Action (JCPOA). Will this process lead to the re-imposition of UN and EU sanctions on Iran?

EU launches preparatory work for a global sanctions regime for human rights violations

17 December 2019

On 9 December 2019, High Representative/Vice-President of the European Union Josep Borrell announced that the Foreign Affairs Council has agreed with strong consensus to start the preparatory work for a global sanctions regime to address serious human rights

violations.

Cybersecurity: past is prologue

29 MAR 2016

During 2016, we will likely see another increase in cyberattacks, and we will see cybersecurity being taken more seriously by its potential victims.

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.

Patent wars: can the energy industry avoid them?

10 SEP 2014

Proactively navigating the challenges of protecting energy IP

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.

Public-Private Partnerships in Puerto Rico

21 MAR 2017

For those considering participating in P3s in Puerto Rico, this handbook summarizes the applicable legal framework and discusses why Puerto Rico is a favorable jurisdiction for entering into P3s.

Is it a new day for Jones Act enforcement? Maybe. A practical look at coastwise concerns

9 AUG 2016

The decision underscores the significance of each party's right to participate in the arbitration process and arguably expands the scope of existing arbitration jurisprudence.

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.

Electrify Africa Act is now law

2 MARCH 2016

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

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

9 DEC 2015

HEALTH, SAFETY AND ENVIRONMENTAL MATTERS SERIES

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

Federal district court decision appears to clear way for Cape Wind

24 MAR 2014

The Federal District Court in Washington, DC has issued a lengthy ruling that appeared to substantially clear the way for Cape Wind, a large proposed offshore wind farm on Horseshoe Shoal in Nantucket Sound south of Cape Cod, Massachusetts.

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

19 DEC 2013

A clear roadmap for the regulation of hydrocarbons

The EU looks at fracking: regulations taking shape

21 NOV 2013

US commits \$7B to ambitious Power Africa initiative

2 JUL 2013

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

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

11 MAR 2013

British government lifts year-old fracking moratorium

20 DEC 2012

The British Government has announced it is lifting its ban on hydraulic fracturing (fracking) to extract natural gas from shale deposits.

With revised proposed regulations, "fracking" returns to the fore of New York State's energy policy

11 Dec 2012

New York Governor Andrew M. Cuomo's administration has issued revised proposed regulations for high-volume hydraulic fracturing (fracking or HVHF) in New York State, a move that will avoid sending the entire process back to the drawing board.

Thinking strategically on pipe build-out for the shale boom

1 Oct 2012

Recent developments in horizontal drilling techniques have propelled natural gas production from shale formations to the forefront of domestic oil and gas production today. This rapid expansion is presenting opportunities and challenges for producers and pipeline developers seeking to capitalize on the need to move this gas to market.

The final countdown: Dodd-Frank compliance to begin as SEC and CFTC issue key rules re swaps activities

11 Jul 2012

CFTC issues two proposals affecting those engaging in swaps activities

10 Jul 2012

Marcellus Shale pipeline decision provides guidance on scope of environmental "cumulative impacts" analysis for projects requiring government approval

20 Jun 2012

The Second Circuit has issued a decision providing further clarity on the scope of "cumulative impacts" analysis required under the National Environmental Policy Act (NEPA).

CFTC approves commodity options final rule, establishing trade option exemption

30 Apr 2012

CFTC issues the first of the two rules that will shape the post-Dodd-Frank world

19 Apr 2012

On Wednesday, April 18, 2012, the Commodity Futures Trading Commission met and issued the first of the two “pillar” rules that will shape the landscape of the CFTC’s regulation of swaps under the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Pennsylvania tightens rules for drilling in the Marcellus Shale

1 Mar 2012

Pennsylvania Governor Tom Corbett has signed into law Bill 1950, a set of amendments to the Pennsylvania Oil and Gas Act that set forth new standards and requirements for natural gas drilling operations in the Marcellus Shale formation in Pennsylvania.

States' regulations on Marcellus Shale gas extraction continue to take shape

30 Nov 2011

Marcellus Shale drillers face potential liability under Clean Air Act

5 Oct 2011

EVENTS

Previous

What's happening in oil and gas? ESG, commodity prices, investor reallocation and beyond

18 November 2021 | 12:00 - 1:00 EDT

[COMMODITIES WEBINAR SERIES](#)

Webinar

Energy Trading Compliance Discussion

9 November 2021 | 11:00 am CT - 3:45 pm CT

Webinar

Ransomware and missing wire payments: Managing cyber threats in the commodities sector

28 October 2021 | 12:00 pm - 1:00 pm EDT

[COMMODITIES WEBINAR SERIES](#)

Webinar

Embracing Digital Evolution

15 September 2021
Webinar

2021 Veteran Careers in the Renewable Energy Economy

2 August 2021
Webinar

Winter Storm Uri's legal, economic and political impact on the Texas energy market

25 May 2021 | 3:00 - 4:00 EDT

Energy sector ESG webinar series

29 April 2021 | 9:00 - 10:00 PT
Webinar

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

27 April 2021
Webinar

EDPB recommendations for safeguarding data transfers after Schrems II

19 November 2020
Webinar

The year is 2020 in finance, investments and transactions

19 November 2020 | 12:00 - 6:00 ET
Webinar

Planning for an Uncertain World

16 November 2020
TECHLAW EVENT SERIES
Webinar

TechLaw

31 July 2020

[TECHLAW EVENT SERIES](#)

Webinar

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

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](#)

Webinar

TechLaw

5 March 2020

[TECHLAW EVENT SERIES](#)

Sydney

TechLaw

3 March 2020

[TECHLAW EVENT SERIES](#)

Melbourne

NEWS

DLA Piper advises Sonnedix in sale of Puerto Rico solar operations to ArcLight's Infinigen platform

12 November 2021

DLA Piper represented Sonnedix, a leading global solar independent power producer (IPP), in the sale of its interest in the "Puerto Rico solar operations" to ArcLight Capital Partners' Infinigen renewables platform.

DLA Piper advises Six One Commodities in closing of US\$540 million revolving credit facility

1 November 2021

DLA Piper represented Six One Commodities LLC, a natural gas and power merchant, on the energy and commodity aspects of a US\$540 million, one-year revolving borrowing base credit facility, which closed on October 25, 2021.

Ana Paula Chagas joins Campos Mello Advogados, strengthening Environmental Law, Climate Change and ESG practice

26 October 2021

DLA Piper announced today that Ana Paula Chagas has joined Campos Mello Advogados (CMA), which has a cooperation agreement with DLA Piper, as a partner in the Environmental Law, Climate Change and ESG practice.

DLA Piper lawyers, practices and sectors ranked in latest edition of *The Legal 500 Latin America*

25 October 2021

DLA Piper today announced that the firm received 46 individual lawyer rankings and 68 firm rankings in The Legal 500 Latin America 2022 guide.

Campos Mello Advogados bolsters team with new partners in oil and gas, maritime, environmental, litigation and arbitration

18 October 2021

DLA Piper announced today that five new partners have joined Campos Mello Advogados (CMA), in cooperation with DLA Piper. The expansion strengthens its capabilities in oil and gas, maritime, litigation and arbitration, with a particular focus on environmental and sustainability initiatives. This significant lateral group expansion represents the latest step in CMA's alignment with DLA Piper and its relationship firms throughout the region and in Canada.

DLA Piper advises SG H2 Energy Global in offtake agreement for clean energy hydrogen plant in Southern California

28 September 2021

DLA Piper is representing SG H2 Energy Global, LLC in the development and financing of a green hydrogen production facility to be located in Southern California. The representation includes the negotiation and signing of the recently concluded hydrogen offtake agreement with Iwatani Corporation and a public private partnership (PPP) agreement with the City of Lancaster, California, where the project will be located, as celebrated by SG H2 and project participants at the recent signing ceremony in Lancaster.

DLA Piper advises Whitehelm on sale to Patrizia

16 September 2021

Global law firm DLA Piper has advised Whitehelm Capital (Whitehelm) on its sale to PATRIZIA AG, a leading partner for global real assets. The initial purchase price of EUR67 million will be paid in a combination of cash and PATRIZIA shares.

DLA Piper lawyers and practices ranked in *Chambers Latin America 2022*

30 August 2021

DLA Piper today announced that the firm received 38 individual lawyer rankings and 15 firm rankings in the *Chambers Latin America 2022* guide.

DLA Piper advises Aligned Energy on US\$1.725 billion of structured sustainable debt financing, including largest-ever inaugural data center securitization

25 August 2021

DLA Piper represented Aligned Energy in the largest inaugural data center securitization and first-ever green data center securitization.

DLA Piper advises Hawaiki on divestment of its submarine cable

30 July 2021

Global law firm DLA Piper have advised Hawaiki on its divestment of 100% of its interest in the Hawaiki Submarine Cable. The divestment was made to BW Digital Pte. Ltd with the current Hawaiki team continuing to manage the business.

DLA Piper recognized as one of the "Most Recommended Law Firms" by BTI Consulting Group

26 July 2021

Due to its ability to "exceed client expectations and consistently demonstrate deep business understanding," DLA Piper is pleased to announce that it has been named one of the 11 Most Recommended Law Firms by BTI Consulting Group for 2021.

DLA Piper advises Athena Technology Acquisition Corp. in a US\$2 billion SPAC deal with Heliogen, Inc.

8 July 2021

DLA Piper represented Athena Technology Acquisition Corp. in connection with the negotiation of a definitive agreement for a business combination with Heliogen, Inc.

Sameer Ghaznavi named a 2021 Energy and Environmental Trailblazer by *National Law Journal*

6 July 2021

DLA Piper is pleased to announce that of counsel Sameer Ghaznavi has been named a 2021 Energy and Environmental Trailblazer by the *National Law Journal*.

DLA Piper advises Solis LLC and Parasol Renewable Energy LLC in sale of Clēnera with an enterprise value of US\$433 million

1 July 2021

DLA Piper represented Solis LLC and Parasol Renewable Energy LLC in the sale of renewable energy company Clēnera to Enlight Renewable Energy LTD.

DLA Piper lawyers and practices ranked in latest edition of *The Legal 500*

17 June 2021

DLA Piper announced today that the firm received 42 individual lawyer rankings and 49 firm rankings in *The Legal 500 United States 2021* guide.

DLA Piper advises Greencoat Capital in acquisition of majority stake in 405-megawatt wind portfolio

1 June 2021

DLA Piper represented Greencoat Capital in the acquisition of a 55 percent cash equity stake in two US wind farms from EDP Renewables.

DLA Piper advises Six One Commodities Global LLC in acquisitions of Vega Energy Partners and WGL Midstream

26 April 2021

DLA Piper represented Six One Commodities Global LLC, a natural gas and power merchant, in its acquisitions of Vega Energy Partners, Ltd.

DLA Piper advises Invenergy in sale of a 195-megawatt solar facility to Indianapolis Power and Light Company

24 March 2021

DLA Piper advised Invenergy in the sale of a 195-megawatt solar facility to Indianapolis Power and Light Company.

DLA Piper announces new sector leadership

10 March 2021

DLA Piper is pleased to announce several recent changes to the firm's sector leadership.

DLA Piper advises bondholder committee in YPF's exchange offers and consent solicitation

4 March 2021

DLA Piper represented an ad hoc bondholder committee comprising some of the largest holders of the international notes of Argentine leading energy company, YPF S.A. ("YPF"), in YPF's recent US\$6.2 billion exchange offers and consent solicitation constituting the largest corporate liability management transaction in Argentina to date.

Deanna Reitman appointed chair of Energy Bar Association's Transactions and Finance Committee

2 March 2021

Deanna Reitman has been appointed chair of the Energy Bar Association's Transactions and Finance Committee.

DLA Piper advises Sawafi in its acquisitions of Newsco International Energy Services USA and Telemetrix USA Inc.

23 February 2021

DLA Piper represented Sawafi Al-Jazeera Oilfield Products and Services Co. Ltd. in its simultaneous acquisitions of Newsco International Energy Services USA Inc. and Telemetrix USA Inc.

DLA Piper advises Invenergy in construction agreement for Phase 1 of the Samson Solar Energy Center

11 December 2020

DLA Piper advised Invenergy, a privately held global developer and operator of sustainable energy solutions, in the negotiation of the balance of system agreement for Phase 1 of the Samson Solar Energy Center, a new 1,310-megawatt solar energy generation facility that will be the largest in the US and second largest in the world upon completion.

DLA Piper advises Exelon in US\$810 million agreement to sell solar business to Brookfield Renewable

9 December 2020

DLA Piper is representing Exelon Corporation (NASDAQ: EXC) and its subsidiary Exelon Generation Company in the sale of Exelon Generation's solar business to Brookfield Renewable Partners for US\$810 million.

DLA Piper advises SER Capital Partners in its acquisition of three battery storage project companies

2 November 2020

DLA Piper represented SER Capital Partners in its acquisition of three project companies from HGP.

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).

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.

Raul Farias joins DLA Piper's Corporate practice and Energy sector

3 August 2020

DLA Piper announced today that Raul Farias has joined the firm's Corporate practice and Energy sector as a partner in San Diego.

DLA Piper advises CIRCOR in sale of Distributed Valve business

7 July 2020

DLA Piper represented CIRCOR International, Inc. in the sale by its subsidiary, CIRCOR Energy Products LLC (CEP), of its distributed valve business to MS Valves GmbH.

Andrew Young joins DLA Piper's Finance practice and Energy sector in Washington, DC

20 May 2020

DLA Piper announced today that Andrew Young has joined the firm's Finance practice and Energy sector as a partner in Washington, DC.

DLA Piper advises WaterSmart Software in its sale to VertexOne

14 May 2020

DLA Piper represented WaterSmart Software in its recent sale to VertexOne.

DLA Piper announces partnership promotions for 2020

30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

DLA Piper lawyers named Acritas Stars

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

DLA Piper advises Sonnedix USA Limited in US\$15 million non-recourse financing

23 January 2020

DLA Piper is pleased to announce that the firm represented Sonnedix USA Limited, a global independent solar power producer, in a US\$15 million non-recourse financing with City National Bank of two operating photovoltaic solar power generation facilities in Puerto Rico.

DLA Piper advises CIRCOR in US\$172 million sale of Instrumentation and Sampling business to Crane Co.

6 January 2020

DLA Piper represented CIRCOR International, Inc. in the US\$172 million sale of its Instrumentation and Sampling business to Crane Co.

DLA Piper advises LLR Partners in its acquisition of a majority stake in Geoforce

19 December 2019

DLA Piper is pleased to announce that the firm represented LLR Partners in its acquisition of a majority stake in Geoforce.

Sustainability and ESG

More than 30 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. In face of the global response, this places the Energy and Natural Resources (ENR) sector front and center.

Sustainability and ESG (SESG) issues affect the ENR sector in profound ways and environmental-related factors are only part of the picture: social and governance elements are also increasingly being seen as key drivers of success. For some companies, protecting human rights, protecting a watershed, and considering long-term impacts on local communities are becoming crucial. Actions such as linking executive remuneration to delivery of SESG targets can also demonstrate a company's commitment to SESG. The spectrum of issues is broad and depends on factors like geographic location or specific assets. 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.

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 specific context. We can address those challenges and provide tailored advice in areas of sustainable finance, climate change, corporate PPAs, human rights, worker protections 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 renewables 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, to name a few, 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 is 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 all major O&G companies 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 O&G companies 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 priorities 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 each generate significant levels of emissions. Using renewable energy for such 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.