



## Projects, Energy and Infrastructure

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

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

### CAPABILITES

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

These projects include:

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

### KEY CONTACTS

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- Environment, Health and Safety
- International Corporate Reorganizations
- Finance
  
- Energy and Natural Resources
- Infrastructure, Construction and Transport

- Water supply and waste water systems
- Accommodation and healthcare facilities
- Sports, tourism and entertainment facilities

## INSIGHTS

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### Publications

#### **Mexican Energy Regulatory Commission imposes sanction of more than US\$450 million; Mexico's Supreme Court issues precedent disfavorable to permit holders**

28 June 2022

Details of the decision and implications on private investments in the Mexican electricity market.

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#### **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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#### **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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## Proposed EU corporate sustainability due diligence directive: what US companies need to know

31 March 2022

If adopted, the proposed directive could have significant implications not only for EU enterprises but also for US and other non-EU companies conducting business within the EU.

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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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## 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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## 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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## 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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## **New developments in the Mexican energy sector generate uncertainty**

17 November 2021

A discussion of relevant measures, criticisms and comments.

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## **Opportunities in England's eight new freeports**

15 November 2021

The UK Spring Budget in 2021 illustrated the reality of the UK's economic situation as a result of the restrictions implemented during the COVID-19 pandemic. The Chancellor used the opportunity to outline the Government's plan to build the 'future economy' through an investment-led recovery plan, which included eight new freeports in England.

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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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## **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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## **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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## **Social Responsibility Risk**

23 July 2021

Social responsibility has now become one of the most important considerations for companies across the globe. Companies are under increased pressure to develop sustainable and responsible business models in light of heightened sensitivity and awareness by both clients and consumers of environmental, social and governance (ESG) issues. The same also applies to project finance stakeholders.

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## **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?

## **The DLA Piper Project Simulator – one year on**

2 July 2021

Over the past year, we have delivered The DLA Piper Project Simulator to many of our construction, engineering and infrastructure clients, over a virtual platform, and client feedback has been overwhelmingly positive.

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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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## **The role of external construction counsel**

14 May 2021

A common reaction to hearing that someone is a “construction lawyer” is the assumption that this must be a very narrow and focused role. In this article written for the *Construction Law Letter*, Howard Krupat shows that often the opposite is true, and that the responsibilities of a construction lawyer are as varied as the range of projects within the construction industry and even the lifecycle of a particular project.

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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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## **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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## **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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## **Public-private partnerships for infrastructure investment: a global perspective**

18 March 2021

In a new global report, produced in partnership with Global Infrastructure Investor Association (GIIA), DLA Piper assesses the case for PPPs, backed by multijurisdictional analysis from our projects and infrastructure lawyers around the world as well as insight from leading infrastructure investors who are fellow members of the GIIA.

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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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## 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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## Extension of USD LIBOR – ICE Benchmark Administration Consultation

12 January 2021

On 30 November 2020, the ICE Benchmark Administration (IBA) which compiles and oversees LIBOR, announced that it will hold a consultation on its intention to extend most US Dollar LIBOR (USD LIBOR) tenors until 30 June 2023.

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## Boardroom Brexit: What the deal means for transport

31 December 2020

### BOARDROOM BREXIT

There will be continued market access rights for UK and EU road haulage operators, while under the TCA, UK and EU air carriers will continue to enjoy flyover rights and operating rights on routes between the UK and EU. However, UK carriers will not be able to operate cabotage routes in the EU (and vice versa)

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## Levelling up the whole of the UK

7 December 2020

In the foreword to the NIS, the Prime Minister states that "*levelling up is my government's core purpose*". The intention is to level up

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communities and nations across the UK through investment in rural areas, towns and cities on a range of projects covering those of major national importance and those which address local priorities.

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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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## **Building a full fibre future: European fibre-to-the-premises (FTTP) investment trends 2021**

2 December 2020

Our new study, conducted in partnership with TMT Finance, indicates that the recent rise in FTTP investment is set to continue over the next two years. The insight gathered through this report highlights key factors for the rise and appeal of FTTP to investors, as well as the potential risks they see in this industry.

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## **5G Contracts: Features and challenges of the new Colombian infrastructure programs**

30 November 2020

Historically, relied on as an anti-cyclic economic boost, infrastructure development has found a renewed role in reactivating the Colombian economy recently affected by the COVID-19 pandemic. The Colombian government's launch of the 5G concession program sets forth an opportunity to reactivate the Colombian economy.

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## **Brazil's new basic sanitation legal framework**

30 November 2020

In July 2020, Brazil's New Sanitation Legal Framework was approved. It aims at the universalization of sanitation and water supply in Brazil by 2033 by attracting investment of USD128 billion. The new regulatory framework is expected to transform the nation's water and sanitation sector, creating a business environment with more competition and legal certainty, and fostering domestic and foreign private investment in the sector.

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## **Cost plus fee contracts in the era of COVID-19**

30 November 2020

COVID-19 has changed the certainty of many areas in the economic spectrum. For construction contracts it has affected its most important variables: cost and time. In this context, cost plus fee contracts can be used as a way to prevent, mitigate and backstop distressed infrastructure projects, since they permit the parties to undertake projects that involve substantial uncertainties.

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## **PFI and PPP in the UK – is it time to talk about handback?**

30 November 2020

The most recent standard form contracts and guidance in the UK for PPPs and similar forms of contract recognize the importance of prescribing detailed handback requirements and making provision for lead-in processes to be followed when a project approaches the end of its term.

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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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## Corporate PPAs in New Zealand

27 November 2020

PPAs have become very popular around the world and they are starting to fit in within the New Zealand market. Businesses from various sectors are entering into these agreements, which can be an essential component of their energy strategies. So, what are PPAs exactly, what is their relevance in New Zealand and what advantages do they present to electricity users?

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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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## DLA Piper Collaborative Contracting and Procurement Paper 2020

22 October 2020

The construction industry has suffered for ages from contracts and procurement processes that crudely allocate various risks resulting in misaligned incentives and consequent disputation.

It was from a desire to overcome this misalignment of interests that 'collaborative contracting' was born.

Read more in our paper.

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

13 JUN 2017

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

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### Electrify Africa Act is now law

2 MARCH 2016

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

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

9 DEC 2015

#### [HEALTH, SAFETY AND ENVIRONMENTAL MATTERS SERIES](#)

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

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

19 DEC 2013

A clear roadmap for the regulation of hydrocarbons

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

21 NOV 2013

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## **US commits \$7B to ambitious Power Africa initiative**

2 JUL 2013

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

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## **Preparing for EMIR and Dodd-Frank: Our capabilities**

8 MAY 2013

The European Market Infrastructure Regulation (EMIR) has been in force since 16 August 2012, however, in the first few weeks of 2013, the detailed technical rules implementing the regulation were finalised and came into force on 15 March 2013.

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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**

#### **Accessing global capital markets**

31 March 2022

Webinar

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#### **International Women's Day**

10 March 2022

Webinar

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#### **Embracing Digital Evolution**

15 September 2021

Webinar

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#### **IPEM 2021**

8-9 September 2021

IPEM 2022

Paris

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#### **Public-private partnerships for infrastructure investment: a global perspective**

28 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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### **Outline Planning Law Update**

11 February 2021  
Webinar

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### **Planning for an Uncertain World**

16 November 2020  
TechLaw Event Series  
Webinar

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### **TechLaw**

31 July 2020  
TechLaw Event Series  
Webinar

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## **NEWS**

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### **Best Lawyers / Handelsblatt recommends a total of 90 lawyers from DLA Piper in Germany**

24 June 2022  
This year, the U.S. publisher Best Lawyers has once again recognized numerous DLA Piper lawyers in Germany in various areas of law.

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### ***International Financial Law Review* recognizes DLA Piper for advising on award-winning deals in the Americas**

24 May 2022

DLA Piper has been recognized by the *International Financial Law Review (IFLR)* for being part of the advisory team for the “Deals of the Year” in the “Debt and Equity-linked” and “High Yield” categories. *IFLRs Americas Awards 2022* recognizes the region’s most innovative deals and the lawyers behind them.

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### **DLA Piper wins big at the Partnerships Awards 2022**

24 May 2022

DLA Piper won four awards at the Partnership Awards 2022, held in London on Thursday, 19 May.

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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 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 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 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 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

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(ESG) due diligence into legal due diligence.

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### **DLA Piper advises lenders on the refinancing of the Warnow Tunnel in Germany**

26 February 2021

DLA Piper has advised the lenders on the EUR115 million refinancing of the Warnow Tunnel in Rostock (Germany), also known as the Warnow River Crossing (Warnowquerung).

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### **DLA Piper appoints new International Head for Finance, Projects & Restructuring practice**

25 February 2021

DLA Piper today announces the appointment of David Trott as a partner, and International Group Head of the firm's Finance, Projects and Restructuring group.

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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 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 Hitachi Rail Limited on acquisition of railway technology firm Perpetuum

19 August 2020

DLA Piper is advising Hitachi Rail Limited in connection with the acquisition of Perpetuum, a technology firm that is pioneering digital technology to optimise railway operations, offering improved efficiency, safety and quality of service.

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### In Germany

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Our lawyers advise on all legal aspects of the **energy** and **infrastructure** sector on a national and international scale. In Germany, lawyers in the DLA Piper Energy team have supported clients – in some cases ever since the energy markets were liberalized – with regard to regulatory issues, energy contracts and commercial law, and all questions surrounding renewable energies, during proceedings before competent regulators and other authorities, and in disputes before ordinary courts and in arbitration proceedings. In the area of infrastructure, we are involved not only in projects regarding generating and distributing energy, but also in projects in the following areas: airports, road construction, cargo and inland ports, waste facilities, water supply and wastewater disposal, public commuter and long-distance rail transport, and public institutions. Our advisory services extend to fee and remuneration structures, including state aid considerations. Due to our many years of cooperation with the public sector, we can often overcome significant hurdles for our clients.

In both fields, we work closely with our financing experts in integrated teams. We have extensive experience supporting both sponsors and financing banks with regard to financing energy and infrastructure projects in Germany as well as in other countries in Europe and elsewhere.

Our team advises project developers, investors and banks in planning, developing, financing and executing national and international projects, especially in the fields of energy and infrastructure. Our clients benefit from our sectoral approach and our many years of experience in advising a wide variety of market participants, including clients from the public sector.

Our key areas of advice:

- Project/infrastructure financing
- Energy/energy supply
- Renewable energies
- Transportation
- Aviation