



## 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
- Financial Services Regulatory
- 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

#### **Digital assets, their environmental impact, and litigation risk**

7 September 2022

Following our recent Business Guide to Climate Disputes, in this article we examine some of the issues around the environmental impact of digital assets and the associated business and environmental risks.

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#### **Inside the Inflation Reduction Act**

19 August 2022

A look at the business-critical aspects of this sweeping, extraordinary legislation and its implications for clean energy projects, electric vehicle development, corporate taxes, healthcare, and environmental policy.

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#### **The historic Inflation Reduction Act makes significant changes to federal environmental law and programs**

19 August 2022

The IRA aims to achieve environmental policy goals through an array of programs addressing greenhouse gas and methane emissions, environmental justice, and climate resilience.

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#### **Colombia's National Mining Authority is tracking contracts on the blockchain: What can other Latin American countries learn from this experience?**

18 August 2022

[\*\*PANORAMA\*\*](#)

The Agency registers each mining concession contract as a non-fungible token, making it a unique, encrypted digital asset.

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#### **The clean energy provisions of the Inflation Reduction Act of 2022 – a historic effort to encourage the development of clean energy and reduce carbon emissions**

17 August 2022

The IRA will have a dramatic impact on development and financing of clean energy projects in the US over the next ten years, not least by expanding tax credits to additional technologies and allowing project owners to directly transfer those credits.

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#### **Judge declares reforms to Electricity Industry Law unconstitutional**

11 August 2022

Key details and implications for individuals, businesses and investors in Mexico's electricity sector.

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## **Brazil's FIAGRO promotes agribusiness: key points about this new form of investment**

4 August 2022

[PANORAMA](#)

By creating the FIAGRO structure, the Brazilian government is aiming to move financing of agricultural production from public subsidies into private hands.

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## **State of the Australian M&A Market**

14 July 2022

The Australian M&A market in 2021 was a wild ride. As Covid-19 restrictions (imposed both domestically and internationally) lifted, returning investor confidence, coupled with low inflation, low interest rates, and many businesses sitting on dry powder, meant that investors returned to transactions previously shelved during 2020, as well as new strategic opportunities, as valuations soared across all asset classes.

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

28 June 2022

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

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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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## **US DOC initiates circumvention inquiries against solar cells and modules from Cambodia, Malaysia, Thailand and Vietnam**

14 April 2022

Any additional duties could be applied retroactively to entries before April 1 and could be as much as or in excess of 250 percent of the price of the applicable CSPV cells and modules.

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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

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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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## **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?

DLA Piper · [What should we expect from COP26?](#)

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

11 MAR 2013

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## **Events**

### **Previous**

#### **IPEM 2022**

20-22 September 2022

IPEM 2022

Cannes

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

31 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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## **NEWS**

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### **DLA Piper advises OZ Minerals on land access agreement for A\$1.7b West Musgrave Copper-Nickel Project**

27 September 2022

Global law firm DLA Piper is pleased to have advised OZ Minerals on its agreement with the Ngaanyatjarra People for the development of the A\$1.7billion West Musgrave Copper-Nickel Mining Project in Western Australia.

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## **DLA Piper advises on ground-breaking renewable hydrogen project**

16 September 2022

Global law firm DLA Piper is pleased to advise ENGIE on the development, construction and financing of the first phase of Project Yuri, pursuant to which the Project will supply renewable hydrogen into Yara's existing ammonia plant in the Pilbara, Western Australia.

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## **DLA Piper tops inaugural inspiratia 2021 corporate power purchase agreement rankings**

11 July 2022

DLA Piper has been ranked as the number one law firm for advising on corporate power purchase agreements (PPAs) in 2021 in the inaugural inspiratia PPA dashboard for Europe. Inspiratia is a provider of real-time energy industry analysis and news.

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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. *IFLR's Americas Awards 2022* recognizes the region's most innovative deals and the lawyers behind them.

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## **DLA Piper continues to enhance Asia banking & finance expertise with strategic partner hire in Hong Kong**

3 May 2022

DLA Piper announces the appointment of Crystal Chen as a partner in its Finance, Projects and Restructuring (FP&R) practice, based in Hong Kong.

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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 advises on AUD860 million proposed acquisition**

17 December 2021

DLA Piper has advised POSCO International (PIC), a separately-listed trading arm of South Korea's steel group POSCO, with its proposed AUD860 million acquisition of a public Australian gas producer Senex Energy.

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## **DLA Piper continues to bolster Asia capability with senior energy partner hire in Hong Kong**

2 December 2021

DLA Piper has appointed Russell Wilkinson as a partner in its Finance, Projects and Restructuring (FP&R) practice, based in Hong Kong.

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## DLA Piper launches Hydrogen Revolution in Asia Pacific report

7 October 2021

Global law firm DLA Piper has today launched its second report on the hydrogen revolution, this time analysing developments in the Asia Pacific region.

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## Gitanjali Bajaj and John Gallagher recognised as “Lawyers of the Year” by The Best Lawyers Australia 2022

23 April 2021

DLA Piper is pleased to announce that Australian Partners Gitanjali Bajaj (Litigation & Regulatory, Sydney) and John Gallagher (Finance, Projects & Restructuring, Melbourne) have separately been recognised as “*Lawyers of the Year*” in the 14th edition of *The Best Lawyers in Australia 2022 Awards*.

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

13 April 2021

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

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## 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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## Tiwai Aluminium Smelter Extension

26 January 2021

DLA Piper have advised Contact Energy Limited (‘Contact’) in relation to its arrangements with Meridian Energy and New Zealand's Aluminium Smelter (Tiwai).

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## In New Zealand

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

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

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

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

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

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

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

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

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

## CAPABILITIES

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

## EXPERIENCE

### **Capacity Infrastructure Services Limited**

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

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

### **Department of Corrections**

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

### **Wellington City Council**

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

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