

25 October 2021

Luther advises RAG AG on the EU-wide award of a tunnel construction project

Essen – Luther advised RAG Aktiengesellschaft on public procurement law and construction contract law during the EU-wide tendering process for a tunnel construction project for the Ibbenbüren mine water drainage. After several rounds of negotiations, the procedure was brought to a conclusion. It was agreed not to disclose the amount of the contract.

After the end of hard coal mining in Germany, RAG AG has an eternal task – it is responsible for the sustainable and environmentally compatible operation of the abandoned sites. One of the most important measures in this context is the construction of a new tunnel about 7.4 km long and located at a depth of 63 metres to drain off mine water in Ibbenbüren. The construction project is currently one of the most complex tunnel projects in Europe.

The mine water drainage tunnel saves considerable amounts of energy and CO₂, as electricity-intensive pumps can be dispensed with, and thus represents a significant milestone in RAG AG's sustainability strategy.

The construction time of the tunnel is estimated at about 3.5 years. A complex tunnelling system is being used, which was optimised especially for the project. The procedure for awarding this high-volume construction contract was correspondingly complex. Only bidding consortia - composed of the largest German construction companies - were involved in the procedure.

The award of the contract at the beginning of October 2021 marked the end of the ten-month negotiated procedure with a preliminary competition for RAG AG.

Jürgen Kunz, division manager and project manager at RAG AG, said: "The Luther team, led by Dr Stefan Mager, provided us with excellent legal and strategic advice throughout the entire award procedure and took on the role of external awarding authority. Our high demands on legal project management were fully met."

About RAG Aktiengesellschaft:

RAG Aktiengesellschaft (formerly Ruhrkohle AG) was founded on 27 November 1968 as a consolidation company of the German coal mining industry. The mining shares of 25 companies were merged into it. Together with the RAG Foundation, which has ensured the financing of the eternal tasks since 2019, RAG fulfils its long-term and sustainable responsibility from the mining sector. In doing so, the company can draw on many years of experience and world-leading expertise in post-mining.

Mine water management is one of the most important future tasks of RAG Aktiengesellschaft. The mine water concepts for the Ruhr area, the Saarland and the Ibbenbüren region take into account above all ecological aspects, but also meet economic criteria.

On behalf of RAG Aktiengesellschaft (RAG AG):

Luther, Public Procurement Law: Dr Stefan Mager (Partner & Lead), Katharina Franke (Associate), Matthias Mehlwitz, LL.M. (Associate), Nawid Farajzadeh (Associate)

Luther, Real Estate & Construction: Alexander Bongartz (Senior Associate)

Other law firms involved on the bidder side:

Leinemann & Partner: Dr Eva-D. Leinemann, LL.M., Marco Michael Hohensee, LL.M.

Kapellmann & Partner: Prof. Dr. Jochen Markus, Dr. Marcus Hödl, Julia Herdy

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