

Luther.

# Battery Energy Storage Systems (BESS) – Flexibility and Stability for the Energy Transition

Our expertise. Hits the mark.

ENERGY  
STORAGE

# Battery Energy Storage Systems (BESS) – Flexibility and Stability for the Energy Transition

Battery energy storage systems (BESS) are rapidly becoming a central pillar of the European energy industry. They balance out the volatility of wind and solar energy, increase grid stability, and create new business models for operators and investors. With rapidly increasing capacities and accelerated expansion, the battery storage market is now one of the most important growth drivers of the energy transition.

## Market developments

- Increasing integration of renewable energies and growing demand for flexibility in the electricity system
- Declining costs and technological advances, particularly in lithium-ion batteries
- Growing investor confidence thanks to stable and diversified revenue models

## Challenges and trends

- Location & grid connection: key success factors for projects
- Regulatory framework: grid utility and system integration, market and remuneration models, requirements for approval and grid access

The market for BESS is a dynamically growing market with considerable strategic and economic significance for the energy transition. Successful projects require a deep understanding of regulatory requirements and financing mechanisms.

Luther supports clients throughout the entire project cycle – from market analysis and contract drafting to financing and operation.



# When the going gets tough...

**Energy Industry Group.** Luther's Energy team consists of over 50 experienced experts who offer full-service legal and tax advice on all energy issues to energy suppliers, project developers, industrial companies, financial investors as well as the public sector. The experts from Luther's Energy team can provide you with top-quality advice throughout the value chain, be it on projects regarding the production and generation of conventional or renewable energy, on infrastructure such as energy supply networks or storage facilities, on concession procedures, on financing or M&A transactions, on energy trading and the distribution of energy or on contracting projects. Due to our wealth of experience in the energy sector, we have first-class knowledge of the industry and also expertise in technical and economic matters. In particularly complex projects, we use specialists to handle project management tasks. We are also well-known for our special expertise in dealing with legal disputes all the way to the highest courts, and in arbitration proceedings. Internationally, we work closely with leading law firms who, like us, focus on providing comprehensive advice in the energy sector.

## Expertise



Excellent legal knowledge is our trademark. Many years of experience and good relationships with governments and authorities help us to provide accurate assessments.

## Interdisciplinary



Our team of advisors has a close network of technical and economic advisors in the market. When things get very complex and difficult, we know who we can rely on.

## Innovative



Innovation is a key focus of our work every day. The law is constantly evolving. We seek out challenges where solutions have yet to be found.

## Forward-looking



We are already thinking about tomorrow. We support the further development of the European and national legal framework with our expertise and many years of experience in legislative processes.

## Award



Recognised for many years by JUVE and The Legal 500 as a leader in projects and regulation in the energy sector because our team can draw on a large number of outstanding lawyers.



# Excellent expertise for your BESS project

Grid connection and energy  
regulatory law

Marketing of balancing energy,  
flexibility services

EU state aid law

Environmental and  
(construction)  
planning law

Corporate/M&A

Renewable Energy Act, EEG  
remuneration

Installation, operation and  
maintenance (O&M), and  
service contracts

Fire and explosion safety,  
insurance

Procurement of important  
components and supply chain  
management

Financing and subsidy  
programmes

(Corporate) PPAs and direct  
supply models

IT and data protection law

# Selected references



## Leading energy supplier

Advice on the acquisition of three battery storage projects and performance of legal due diligence in the areas of corporate, energy, real estate and public law

bayernwerk

## Bayernwerk Natur GmbH

Advice on a project to build a 250 MW battery storage facility for a German transmission system operator. The project includes support in a tender process and drafting the necessary project agreements

SUNROCK

## Sunrock Holding Deutschland GmbH

Energy law advice in connection with a planned project combining solar and battery storage systems and for participation in innovation tenders by the Federal Network Agency

bayernwerk

## Bayernwerk Natur GmbH

Advice on the acquisition of a co-location project (open space PV with BESS)



## Municipal energy supplier

Advice on a comprehensive flexibility marketing and service agreement for its BESS



## Energy producer

Energy and state aid law advice in connection with the construction of a large-scale hybrid battery storage facility in the context of a transformation process

*“Top performance. Certainly one of the strongest teams in Germany in energy law.”*

*The Legal 500 (2024) – Tier 1 – Industry Focus: Energy: Regulatory Advice*

*“It is always a pleasure to work with Holger Stappert; he brings a wealth of knowledge and experience to the table.”*

*– Dr Holger Stappert*

*Chambers Europe (2024) – Band 1 – Energy: Regulatory*

*“Highly accomplished energy lawyer, pleasant to work with,” “impresses with his high level of expertise.”*

*– Dr Angelo Vallone*

*JUVE (2023/2024) – Tier 1 – Energy Law, Law Firm of the Year for Regulation 2024*

# Selected references

***“Very good coverage of the intersection between public law and corporate law by a mixed team of relevant experts.”***

*The Legal 500 (2025) – Tier 1 – Environmental and Planning Law*

***“Very broad-based, extensive expertise, fast, proactive, reliable, pragmatic.”***

*The Legal 500 (2025) – Tier 2 – M&A*

***“Michael Bormann thinks outside the box and always has commercial objectives in mind.”***

**– Dr Michael Bormann**

*Chambers Germany (2025) – Band 5 – Corporate/M&A: Mid-Market (individual ranking)*



## **Lichtblick SE**

Advice on drafting usage agreements for co-location projects involving PV plants and battery energy storage systems (BESS), as well as advice on a planned joint venture for the integration and planning of BESS



## **Bayernwerk Natur AG**

Advice in connection with an investment in and financing of MW Storage NOB GmbH, which specialises in BESS projects



## **E.ON Energy Infrastructure Solutions GmbH**

Advice on a model purchase agreement for the acquisition of RTB-BESS projects



## **Project developer**

Advice on financing and marketing two PV/BESS projects



## **Aurubis**

Energy law advice on regulatory framework conditions for BESS in Germany



## **TotalEnergies**

Advice on integrated solar and BESS projects



## **WV Energie AG**

Advice on grid connection and BKZ for BESS, particularly in relation to a planned co-location project



## **German University of Applied Sciences**

Energy law advice on the regulatory framework for BESS in Germany as part of the integration into a restructuring of the energy supply for a large university campus

# Contact

If you have any questions, please contact your contact person at Luther or one of the experts listed below:



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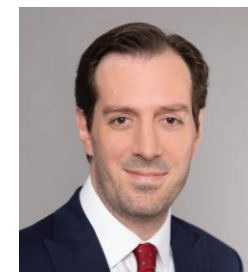
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[www.luther-services.com](http://www.luther-services.com)

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