

Luther.

Biogas & biomethane – renewable gases from biomass

Our expertise. To the point.



Biogas & biomethane – renewable gases from biomass

Biogas plays a significant role in sustainable energy supply and is an important component of the **energy transition**. This renewable, storable and controllable energy source contributes to **reducing greenhouse gas emissions** and reduces our energy supply's dependence on imports. Biogas enables the flexible generation of electricity and heat from organic waste. As processed biogas, biomethane can not only be fed into the natural gas grid but also used as an advanced biofuel in mobility. A wide range of factors promise **excellent future prospects** for the biogas industry:

- **Regulatory drivers:** The biomethane market shows considerable growth potential, particularly due to rising demand in the heating and fuel markets. The regulatory changes of recent years are creating economic incentives to increase the use of biomethane in various sectors (industry, transport, real estate). In addition, with its REPowerEU plan, the EU has set the goal of significantly increasing biomethane production, which will lead to new opportunities at both national and European level.
- **Emissions trading and the international market:** Emissions trading and the growing demand for sustainable energy sources on the international market, particularly in Europe, offer additional opportunities for biogas and biomethane. Positive regulatory conditions and international trading opportunities further strengthen the market outlook.

Our experts at Luther offer comprehensive legal advice on all aspects of biogas and biomethane – from regulatory classification to funding opportunities. With our expertise, we help companies position themselves in a dynamic market and reap the benefits.



When things get difficult...

Energy Industry Group. Luther's Energy team consists of over 40 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 relations with the authorities help us to make the right judgements.

Interdisciplinary



Issues in the field of biogas and biomethane are often complex. Our teams of advisors are closely networked in the market with technical and economic advisors who have industry experience. 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. Legal developments are 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, Legal 500 and Chambers as a leader in the energy sector because our team can draw on a large number of outstanding lawyers and expertise in all important legal matters.

Excellent expertise for your biogas and biomethane project

Energy law

EEG subsidies

Property law, real estate law

GHG quota,
biofuel quotas

Public law

Biogas quality (RED III
compliance)

Financing and subsidy
programmes

Plant construction law

Corporate/M&A

Environmental and
planning law,
water law,
immission control law

Grid connection for electricity
& gas

Competition law

References

VNG AG

Comprehensive advice on the strategic investment by CVC DIF in Balance Erneuerbare Energien, a leading company in the optimisation of biogas plants, including advice on the marketing of the heat generated

Developer and participant in biogas and bio-natural gas projects

Public law due diligence for the intended acquisition of a biogas refinery

Gas trading company

Comprehensive advice on the acquisition of biogas and biomethane activities (biogas plants, trading portfolio) from the portfolio of a leading plant operator

eins energie in Sachsen GmbH & Co. KG

Corporate law advice on the acquisition of shares in a biogas plant operator / pre-sale restructuring

Schmack Biogas Service GmbH

Advice on the merger of microbEnergy GmbH into Schmack Biogas Service GmbH

E.ON Energy Projects GmbH

Energy and merger control advice on the establishment of a joint venture with Infraser GmbH & Co Gendorf KG

XTO Energy Inc. (subsidiary of Exxon Mobil)

Environmental law advice on climate protection projects in the mineral oil sector. Exxon Mobil operates through a subsidiary in the USA and would like to implement projects there whose emission reductions can be credited in Germany

"Top performance. Certainly one of the strongest teams in Germany when it comes to energy law."

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

"Luther Rechtsanwaltsgesellschaft mbH's energy expertise covers transactions, regulatory matters and dispute resolution. The team advises on matters pertaining to renewable energies, conventional energy and grid connection."

*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."

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

References

"Strong commitment, excellent expertise, fast processing of issues."

– **Dr Sabrina Desens**

JUVE (2023/2024) – Tier 1 – Public law:
Environmental and planning law

"Gerd Stuhlmacher is solution-oriented, has extensive specialist knowledge and valuable experience in the energy sector. He's always a pleasure to deal with."

– **Gerd Stuhlmacher**

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

"He is a very experienced litigator who offers a good overview of the case and doesn't miss details."

– **Dr. Richard Happ**

Chambers Europe (2024) – Band 3 –
Dispute Resolution: Arbitration Counsel

E.ON Bioerdgas GmbH

Successful representation in a legal dispute with Enovos Renewables GmbH to prevent an adjustment of the gas price and to obtain payment of compensation for losses

Producer of bio natural gas and operator of plants

Legal assessment of scenarios for the continuation of a claim for payment of avoided network charges for the feed-in of bio natural gas

Brewery

Legal support for the planning and implementation of two biomethane plant projects

Network operator

Legal review and representation of a network operator in a legal dispute concerning the question of whether and to what extent a plant operator of a biomass CHP plant is entitled to remuneration under the EEG, in particular whether the requirements for payment of the NaWaRo bonus exist or have been definitively waived

ASR Chemnitz

Advice in connection with the construction of a new biogas plant and on the effects of the choice of location (possibly in conjunction with existing plants on site) on subsidies under the Renewable Energy Sources Act (EEG)

Renewable energy producers

Compliance advice on the waste treatment of boiler ash generated in a biomass power plant

International raw materials trading company

Advice on model purchase and trading agreements for the German market

References

Housing construction company

Review of a draft contract for the supply of guarantees of origin to verify the biogas fed into the natural gas grid

IGB Alternative Investments GmbH

Support in immission control, water and environmental energy law in connection with the change of operator of the world's largest plant for the production of biogas exclusively from renewable energy sources

INNIO Jenbacher GmbH & Co OG

Advice on the drafting of model contracts for a contracting model for biogas plants from own production

Operator of a biogas plant

Advice and representation in electricity tax law issues

Public utility company in eastern Germany

Construction and emission control law support for the construction of a biogas plant

Uniper Global Commodities SE

Successful defence of Uniper Global Commodities SE against a claim by Stadtwerke Rhede for damages for the takeover of contaminated biogas from a biogas plant and its transport in the distribution network

Gas trading company

Conducting due diligence in connection with the asset deal for the acquisition of several biogas plants

"In close cooperation with the firm's energy and procurement practices, the environmental and planning team at Luther Rechtsanwaltsgesellschaft mbH is ideally positioned to assist with important infrastructure and industrial projects related to the energy and climate transition."

The Legal 500 (2024) – Tier 1 – Public Law: Environmental and Planning Law

"The firm works in a highly professional manner and finds concrete answers to all questions or legally useful explanations to complex issues."

Chambers Europe (2024) – Volume 3 – Public Law: Planning and Environment

"Very good antitrust lawyer and proven expert in energy law."

– Dr. Guido Jansen

JUVE (2022/2023) – Tier 1 – Energy Law: Regulation

References



"The team's ability to familiarize themselves with the technical and energy industry aspects and then categorise them into the legal context is brilliant. I also particularly appreciate the legal analyzes derived from this on how to proceed."

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

"Holger Stappert is excellently connected in the energy scene, which means that besides the pure energy advice you have a good feeling about what is happening in the market."

*– Dr Holger Stappert
Chambers Europe (2023) – Volume 1 –
Energy: Regulatory*

E.DIS AG

Advising and representing the client in abuse proceedings before the Federal Network Agency regarding the grid connection of biogas plants and in civil proceedings before the Higher Regional Court of Düsseldorf regarding claims for damages due to delayed connection.

Power plant company

Environmental energy law advice on ESG requirements for the use of sustainably produced biomass as fuel in power plants for electricity and heat supply

Project company

Assessment of claims under the EEG for a renovated biomass plant

Leading biomass energy producer

Review of feed-in contracts under energy law as part of due diligence

Recycling company

Legal review of subsidy options under the KWKG and classification of electricity as green electricity in the event of modification of a biomass power plant

Renewable energy producers

Advice in connection with follow-up funding for biomass plants, in particular for dual-fuel operation

Avacon Hochdrucknetz GmbH

Defence against a claim for damages brought by Nord Methan Produktion Arneburg GmbH against Avacon Hochdrucknetz GmbH for alleged delay in connecting a biogas plant

Contact

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



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Further information can be found at
www.luther-lawfirm.com
www.luther-services.com

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