

Luther.



Energy Law

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Security of energy supply is one of the most significant challenges of the 21st century. According to the fundamental decision to liberalise energy markets in 1998, security of supply is to be achieved through competition in the sector. Yet, the monopolistic structure of energy networks is subject to strict regulation by regulatory authorities at the federal and state level as well as at the European level since 2005. In addition, also trading energy, energy supply and the production of energy are increasingly subject to detailed regulation.

In this economic environment between competition and regulation, Luther is recognised for providing first-rate legal advice in the areas of energy and regulatory law, energy competition law, energy environmental law and energy contract law. Our specialists have the necessary industry knowledge, technical expertise and political understanding to advise our clients innovatively and successfully.

As one of the largest German law firms, Luther has a renowned team of experienced specialist lawyers in the country. Our clients include integrated utilities, energy trading companies, transmission and distribution system operators, energy-intensive industry companies, wholesalers and retailers, banks and financial investors as well as project developers in the energy sector.

Our team of advisors from the industry group “energy and utilities, renewable energy“ works closely with experts specialising in other fields of law. Providing corporate and tax law advice on acquisitions, restructurings and projects (including financing) is one of the main activities of the industry group. Our public law experts specialise in advising on approvals of power plants under planning and environmental law, line construction and renewable energy projects or the emission trading scheme as well as nuclear and mining law. When dealing with international projects, we make use of an international network of law firms which, like us, focus on the energy sector.



Energy Law

- Implementation of unbundling requirements at the level of transmission and distribution networks
- Certification of transmission system operators (TSOs)
- Regulation of the operation of energy networks / system responsibility / network development planning
- Regulation of network connections
- Regulation of network access / change of supplier
- Regulation of metering access
- Regulation of balancing and control energy
- Regulation of network access charges / incentive regulation
- Exemption of special types of energy infrastructure from regulation
- Regulation of access to underground gas storage facilities / underground gas storage projects
- Representation before regulatory agencies and at court
- Regulation of basic and auxiliary supply for household customers
- Concession agreements (right of way agreements)
- Concession levies
- Evaluation and transfer of network assets upon termination of concession agreements
- Advising participation models in connection with the conclusion of concession agreements
- Closed distribution network systems / customer systems
- Regulation of energy storage facilities
- Regulation of the feed-in of biogas

Antitrust Law

- Antitrust compliance and antitrust fine proceedings
- Cooperation of utilities, network operators, energy service companies
- Validity and enforceability of long-term supply or network access contracts
- Price control for electricity, gas, water and district heat and other abuse of dominance proceedings
- German and European merger control notifications / coordination of international merger control filings

Renewable Energies / CHP

- Advising renewable energy projects in the areas of onshore and offshore wind energy, solar thermal energy, photovoltaic power generation, geothermal energy, biomass, hydroelectric power, as well as landfill, sewage and mine gas under the EEG (Renewable Energy Sources Act) including due diligence reviews

- Connection and compensation duties / eligibility of renewable energy projects for feed-in tariffs / duration and amount of feed-in tariffs and bonuses
- EEG equalisation scheme
- Direct selling of electricity from renewable energy sources
- Exemptions from the EEG surcharge and reduced EEG surcharge according to the special equalisation scheme for energy-intensive enterprises under the EEG
- Approval of CHP plants under the KWKG (Combined Heat and Power Act)
- Eligibility for compensation of combined heat and power generation facilities, heating and cooling systems or heat and cold storage facilities under the KWKG
- KWKG equalisation scheme
- Reduction of the KWKG surcharge

Energy Contract Law / Energy Trading

- Drafting and negotiating power and gas supply contracts at the wholesale and retail level
- Drafting and negotiating network connection, network access and metering access contracts
- Price adjustments and representation of energy suppliers in judicial fairness control proceedings in relation to electricity and gas prices as well as network access and metering fees under Sec. 315 German Civil Code (BGB)
- Adjustment and (re-)negotiation of gas supply prices
- Negotiation of energy trading agreements and trading of emission certificates on the basis of EFET, ISDA, DRV or IETA standard agreements
- Negotiation and conclusion of supplementary contracts to standard trading agreements, such as CSA, CPMA, MNA
- Regulatory requirements for energy trading / organised markets
- Drafting contracts for power plant projects or renewable energy projects
- Drafting and negotiating contracting agreements

Luther Rechtsanwaltsgesellschaft mbH advises in all areas of business law. Our clients include medium-sized companies and large corporations, as well as the public sector.

Berlin, Brussels, Cologne, Dusseldorf, Essen, Frankfurt a. M., Hamburg, Hanover, Leipzig,
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Hits the mark. Luther.

