

# Energy & Utilities



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## About Bird & Bird

Bird & Bird is an international law firm that provides a unique service based on an extensive knowledge of key industry sectors, including energy & utilities, and provides a full service. We have an outstanding and longstanding reputation for helping our clients achieve success through our innovative and creative solutions. We always put the client's business objectives first.

With offices in Beijing, Bratislava, Brussels, Budapest, Düsseldorf, The Hague, Frankfurt, Helsinki, Hong Kong, London, Lyon, Madrid, Milan, Munich, Paris, Prague, Rome, Shanghai, Stockholm and Warsaw and an association in Singapore, and close ties with firms in other key centres in Europe, Asia and the United States we are well placed to offer our clients local expertise within a global context.



"It is the firm's "ever-flexible and always high-quality partners" that make the outfit what it is in the eyes of clients".

Chambers Global, 2007

## Our International Energy & Utilities Group



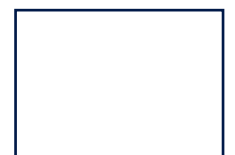
"The Bird & Bird [Dutch] energy offering was significantly bolstered with the hire of former Houthoff Buruma partner Michelle de Rijke, who now heads the team, as well as the hire of Harm van Berkum. The team has acquired a number of new clients including Delta and Essent. The practice has been involved in a number of developments in the energy sector including the unbundling and restructuring of Dutch energy companies".

Europe, Middle East & Africa Legal 500, 2008

Our integrated International Energy & Utilities Group provides a full range of contentious and non-contentious corporate, commercial, intellectual property and regulatory services to businesses active in this sector.

We combine first-class knowledge of this industry sector with our heritage and expertise in intellectual property and a genuine understanding of the technology and processes which are critical to the successful growth and development of the sector, these include major IT systems projects and outsourcing.

We service the needs of companies at all stages of their development.





In the last 12 months, we have advised more than 90 organisations in 8 European jurisdictions covering a full range of energy focused legal matters.

Our clients range from large multi-nationals to smaller domestic companies and include suppliers of gas and electricity, power generators, regional gas and electricity network managers, large energy users, cleantech energy companies, oil and gas companies, waste companies, local governments and private equity funds.

## Our experience

Because our lawyers genuinely understand the dynamics, issues and opportunities in this sector, we are able to align our service proposition accordingly:

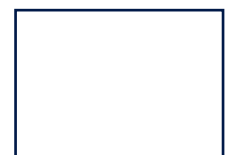
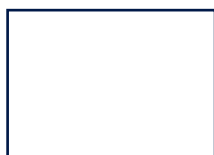
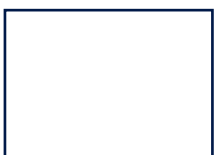
### Cleantech

We have built a strong reputation for our corporate, commercial and regulatory advice relating to cleantech and renewables. We act for a variety of cleantech and renewables companies, investors and public bodies on private and public corporate transactions and regulatory and commercial issues. This includes advising on the use of carbon credits and trading schemes, solar and wind feed-in tariffs, unbundling of European energy supplies and protection and exploitation of intellectual property assets in the sector.

### Case study: E.ON

Advised E.ON on a €400 million project for the installation of an electricity transmission system to connect offshore windparks to E.ON's electricity network.

We act for companies representing the full range of cleantech and renewables energy sources



## Regulatory

Our specialist regulatory and competition lawyers advise energy companies, governments, investors and large end users on a day-to-day basis on EU and national laws and associated regulations relating to the supply and use of utilities, including carbon laws and climate change policy.

### Case study: POWEO

Advised POWEO on a competition/regulatory law matter relating to regulatory gas tariffs in France and failure to comply with an EC Directive relating to the internal gas market.

We have advised on more than 30 separate regulatory issues in 5 countries in the past year



"The group shines particularly brightly".  
Chambers Global, 2008 (EU & Competition)

## General IT systems and outsourcing

We are recognised market leaders in IT and outsourcing and have the strength and depth to advise on large scale IT systems projects and outsourcing transactions across Europe, Asia and beyond. We act for a range of utilities companies on outsourcing of operational and administrative functions and big systems integration programmes.

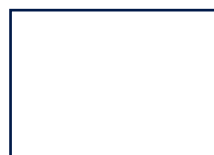
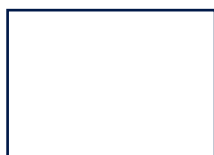
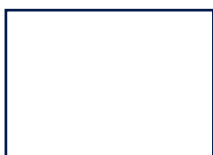
### Case study: IT systems and outsourcing

Acted for a major UK energy distributor on the outsourcing of its desktop IT systems and technology which runs energy transport mechanisms, including the outsourcing of two different legacy IT operations, and the replacement of a communications outsourcing arrangement with an existing supplier.



"The practice group consists of more than 30 partners operating across the firm's strong pan-European network".

Chambers Global, 2008 (Outsourcing)



## Procurement

Our specialist procurement lawyers provide regulatory and administrative law advice to a range of local authorities and utilities. We also provide contentious advice and have particular experience in challenging procurement awards in Germany.



We have a strong track record of advising companies and public bodies on contentious and non-contentious procurement matters.

### Case study: Concession agreements

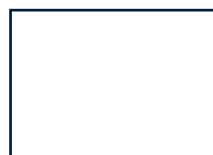
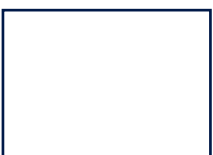
Successfully advised a municipality before the regional Court of Appeal achieving a ground breaking verdict on the nullity of a 20 year energy concession agreement (Oberlandesgerichts Düsseldorf, Urteil vom 12.03.2008 (VI- 2 U (Kart) 8/07)). As argued by our client, the Court declared the concession agreement to be null and void. As a result, many concession agreements in Germany will now have to be reviewed.

### Case study: State of Monaco

Advised The State of Monaco on the renegotiation of its electricity and gas distribution and supply contract for both energies with the current supplier, in relation to the definition of an energy strategy as part of an ambitious environmental policy.

### Supply of utilities

We are experienced in advising on the regulatory, competition and public procurement laws relating to the distribution and supply of utilities. We also advise on commercial arrangements with a particular focus on technology-related infrastructure. We act for utilities companies and their major customers across Europe.



# Contacts

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UK: John Drake & Alistair Crellin

## BIRD & BIRD

Bird & Bird is an international legal practice comprising Bird & Bird LLP and its affiliated and associated businesses.

Bird & Bird LLP is a limited liability partnership, registered in England and Wales with registered number OC340318 and is regulated by the Solicitors Regulation Authority. Its registered office and principal place of business is at 15 Fetter Lane, London EC4A 1JP. A list of members of Bird & Bird LLP and of any non-members who are designated as partners, and of their respective professional qualifications, is open to inspection at that address.

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