

Bird & Bird

# Infrastructure Brochure

2022



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# Our leading infrastructure team

*With the beginning of the new decade, megatrends such as new mobility concepts, sustainability and technology transformation increasingly continue to lead to new legal and regulatory challenges in major infrastructure projects. In addition, COVID-19 lead to additional attention to infrastructure needs. These developments are offering opportunities for the next wave of big investments supported by the public sector, sponsors and financial institutions.*

Whether you are an operator, a public entity, a private company or a financier, our dedicated infrastructure projects team will guide you through the changing market environment. We combine extensive experience across the full range of traditional, smart and technology-driven projects with technical know-how in the most critical infrastructure sectors to help you achieve successful outcomes on time and budget.

## All-around infrastructure projects advice

Your project runs smoothest when all legal and regulatory aspects of its lifecycle are duly covered and managed. With experts in all key areas of law, we are a one-stop-shop to support you at every stage of your infrastructure projects, from the planning and development to the requiring, funding and delivering stages. We collaborate both across our international network and with other professional advisers of all disciplines to ensure you have the necessary skills at your disposal. Our expert team will make sure that your projects:

- are planned and structured correctly from a corporate law, bankability and investment perspective;
- obtain official permits and approvals;
- meet all the regulatory requirements of the affected industries;
- are guided through the procurement process;
- are protected against legal risks covered in contracts;
- reflect the requirements of bank and non-bank lenders including sustainability and ESG goals;

- take account of the political, competition and state aid framework;
- have no potential for significant consequences where there is a late delivery or a post-completion defect;
- fulfil post-completion operation and maintenance requirements.

## Guiding through the transformation by technology

Technology transforms our clients' businesses in all sectors our lawyers advise whether linked with energy, telecommunications, transport, defence or other. External events like the COVID19 pandemic can accelerate the transformation even further.

Properly utilised and integrated technology is the key to the success of many infrastructure projects. We help both traditional players in traditional sectors and new entrants through the changing landscape of such sectors as well as in new digital and smart infrastructure projects. If you are planning to introduce digital products or need to manage a large amount of data, our leading experts in data and technology can help you integrate the best technical solutions as your project progresses.

Our experts assist on project development and project finance stage to close infrastructure deals across continents. Moreover our deep knowledge of the banking system together with our connections in the market may help in finding the right financial structure for the deal taking into account all the opportunities offered by the financial market.

are becoming even more important. We are assisting our clients to achieve their ever more challenging and important ESG targets.

## Our global team of experts

Our Infrastructure Group has exceptional experience of helping those involved in major projects to achieve successful outcomes.

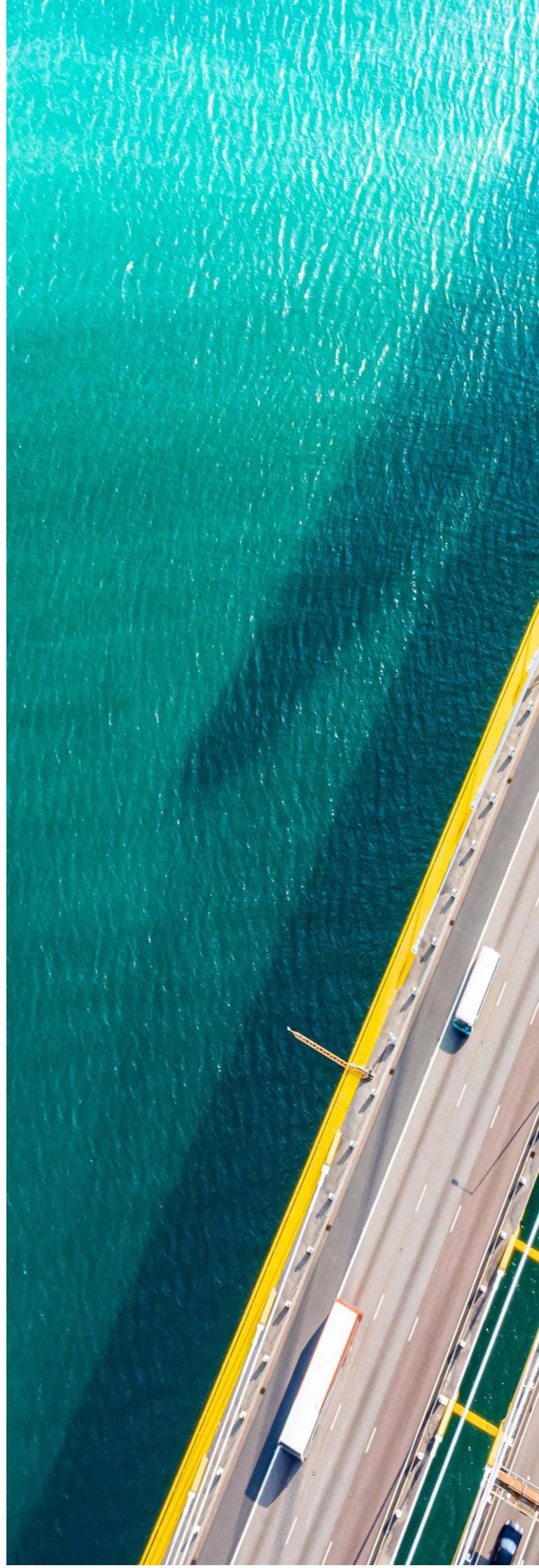
We draw on our experience to define the new ways of working we believe are required to successfully and sustainably deliver major projects. Our success using these new approaches, and overwhelmingly positive feedback from clients, suggests they are extremely effective.

Our specialist lawyers, with real estate, construction, procurement, permitting, regulatory and commercial experience have unparalleled technical knowledge and an ability to think creatively about clients' solutions.

We work collaboratively as a team across our office network as well as with other professional advisers of all disciplines to bring the necessary skills to advise our clients on major projects which:

- comprise technically complex engineering;
- require creative procurement solutions;
- work within the regulatory requirements of the affected industries;
- take due account of the political, competition and state aid framework;
- have the potential for significant consequences where there is late delivery or a post-completion defect; and/or
- have post-completion operation and maintenance requirements.

All of these matters are critically important to any major infrastructure project and we are happy to help you.



# Working with you

## Everything is connected

- With more than 1,400 lawyers and legal practitioners across a worldwide network of 30 offices, Bird & Bird specialises in delivering expertise across a full range of legal services. Our specialisms include advising on commercial, corporate, EU and competition, intellectual property, dispute resolution, employment, finance and real estate matters.
- The key to our success is our constantly evolving sector-focused approach. Our clients build their businesses on technology and intangible assets, and operate in regulated markets. To better meet their needs we have developed deep industry understanding of key sectors, including automotive, aviation & defence, energy & utilities, financial services, life sciences & healthcare, retail & consumer, media, entertainment & sport and tech & comms.

## International reach

- **Europe:** Amsterdam, Bratislava, Brussels, Budapest, Copenhagen, Düsseldorf, Frankfurt, The Hague, Hamburg, Helsinki, London, Luxembourg, Lyon, Madrid, Milan, Munich, Paris, Prague, Rome, Stockholm and Warsaw.
- **Middle East & Asia:** Abu Dhabi, Beijing, Dubai, Hong Kong, Shanghai, Singapore and Sydney.
- **North America:** San Francisco.
- **Africa:** Casablanca.

Bird & Bird has offices in key business centres across the globe. We work globally as one integrated law firm with common IT-system and our accounting and profit pool are all shared. This ensures that we operate as one truly international partnership and can assist in multinational projects in a uniform and cost-effective manner. We were a truly international firm with a special focus on Africa, India, Latin America, Japan and Russia, and extensive cooperation agreements with local firms increase our reach to other key jurisdictions.

In mid-2018 we also opened an office in San Francisco in the United States.

## Deep industry knowledge

- Expertise in the legal and regulatory framework relating to each sector.
- A more practical, commercial approach, supported by advisors with decades of experience working in the relevant industries

## Excellence in client service

Our open and flexible business culture allows us to configure ourselves to respond as quickly and effectively as possible to the commercial pressures faced by our clients. Our priority is providing excellent client service, however they themselves define excellence.

We were delighted to be recognised for our strength in infrastructure at The Lawyer Awards 2021 by winning the Energy & Infrastructure Team of the Year Award.



# Renewable Energy

We have been at the forefront of legal advice in the renewable energy industry for over a decade. Our lawyers have advised developers, landowners, EPC contractors, off-takers, regulators, banks and funders across a number of jurisdictions.

Our sector group brings together an international team of lawyers across practice areas, including corporate, tax, commercial, banking and finance, real estate/planning, regulatory and administrative, technology and IP. All of our team understand the industry.

Bird & Bird's involvement in renewable energy and cleantech forms part of our longstanding and broadly based work in the energy and utilities sectors.

Our renewables & cleantech team advise commercial and public sector organisations on a wide range of legal issues within the renewables and cleantech sector including advice on the use of carbon credits and trading schemes, solar and wind feed-in tariffs, unbundling of European energy supplies and protection and maximisation of intellectual property assets.

Our clients include many organisations that are developing or investing in projects and technological solutions to the challenges presented by the combined forces of climate change and energy security. We advise these clients on a wide range of issues such as corporate work, projects, intellectual property, regulatory, commercial contracts and dispute resolution.

Our dedicated solar energy team acts for:

- Developers and operational
- Funders, including banks and private equity
- Landowners
- Local authorities / Government bodies

We believe we have one of the leading international renewable energy practices in the world, and have recently been ranked as the most active legal advisers on both renewable energy M&A and project transactions in Europe. We are a cohesive and expert team who understand how to work together to complete renewables projects to international investor standards.

Our Energy & Utilities Group has been ranked number 1 globally in the "Top 20 Legal Advisers by Number of M&A Deals" in the "Clean Energy Legal League Tables 2022".



## Our experience:

- Advising **Hastings Funds Management Limited** on the refinancing of a portfolio of operating solar PV ground mounted and rooftop assets, developed and operated by Hazel Capital LLP in the UK.
- Advising **Abraxa Integrated Financial Solutions, S.G.E.C.R., S.A.** on the corporate acquisition and financing of solar photovoltaic plants in Spain.
- Advising **Moser Baer/Hindustan Clean Energy** on multiple solar power projects developed by the group in the UK, including acquisition, financing, regulatory aspects, construction and sale of the projects, including sale of three solar projects to John Laing plc and to Next Energy.
- Advising **Endurance Energies**, company specialised in the development of photovoltaic projects with the drafting and negotiation of development (EPC contracts) and maintenance agreements (O&M) with various sub-contractors.
- Advising **Conergy AG** (a solar systems provider) on a series of solar PV projects in Thailand including development, financing, supply and construction. The advice included the drafting and negotiating of consortium agreements, supply and construction agreements and providing advice on corporate structure.

# Energy Networks

Energy networks play a pivotal role in the global economy, as an essential enabler of security of supply and the integration of renewable energy.

The European Commission has estimated that €180 billion of investment is needed in the EU's energy networks before 2030 so that they can deliver these objectives. These infrastructure investments are accompanied by new technology and new rules for system and market operation as part of the Fit for 55 package.

Commercial agreements (and in particular EPC contracts) in this area are correspondingly complex. Equity investment and project finance in energy infrastructure are gaining momentum.

Transmission system as well as distribution system owners and operators, market operators, regulators, investors, suppliers, grid users and other stakeholders in this fast-evolving field all rely on our team. We combine commercial, legal and regulatory expertise to advise on infrastructure projects such as

- interconnectors,
- offshore grid connections (HVDC and HVAC) and
- onshore transmission lines (HVDC and HVAC),

the development of system and market rules, regulatory issues such as network tariffs, authorisations and unbundling, as well as newer issues such as

- data ownership and security,
- intellectual property,
- blockchain,
- smart metering and
- eMobility, including electric vehicle integration.

Our energy network and transmission lawyers are known across Europe and beyond for their thought leadership.

We are accustomed to working as part of a multi-disciplinary team with in-house lawyers, project managers, regulatory teams, market experts and power systems engineers. We add real value to the projects on which we work alongside you. No matter what sort of challenges you encounter, we understand your needs and will offer you practical solutions.

Our energy network lawyers are regularly called on to speak at influential European conferences and events.

## SuedLink Expansion

Advising TenneT TSO GmbH and TransnetBW GmbH on the winning of a contract for a converter system (which primarily consists of two converter stations) for the German wind-power line, SuedLink. With this contract, the SuedLink expansion project has reached another milestone in the completion of one of Germany's most significant energy transition projects.

The consultation of the project included the drafting and negotiation of complex turnkey EPC (engineering, procurement and construction) contracts, as well as advice on the EU-wide tendering process, which lasted several months. The tendering process included several rounds of negotiation on the project and maintenance contracts for the converter stations.

## TenneT

Representing TenneT, the biggest grid operator in Germany, owned by the Dutch state, in a complex dispute with ABB regarding the delayed erection of a converter station for three windparks in the Northern Sea in which the parties raise reciprocal claims in the total amount of more than EUR 500,000,000.

## RTE and Eir Grid

Advising the French and iRIS TSOs (RTE and Eir Grid) on the construction of the Celtic Interconnector, The Celtic Interconnector project is classified as a project of common interest by the European Commission and it benefits from EU subsidies.

# Airports

*Our expert lawyers advise on the whole life cycle of airport infrastructure projects.*

## Airports

We have practical, hands on experience of working with airports, airlines and aviation services businesses and share with our clients a genuine passion and enthusiasm for the sector. Our team members have real-world business experience, which means that we can help you develop commercial and pragmatic solutions that make sense for your business.

Our international Airports team has a wealth of experience advising airport clients on just about any legal issue they might face. We also work with businesses that support and form part of an airport's operations, such as airlines, ATC providers, ground handlers, fuel operators, and the franchisors and franchisees of shops, restaurants and hotels. This experience puts us in a perfect position to understand the entirety of the commercial and regulatory environment of airport businesses.

The massive disruption of the industry by COVID 19 and related restrictions has been accompanied by challenges associated with emission reduction targets. We have profound knowledge of the possibilities on the way to net zero, including alternative fuels.

Our unique focus on technology coupled with our global team's deep expertise in aviation, projects and infrastructure, procurement, and areas of increasing importance such as cyber law, data protection and digital marketing, means we have the skills and expertise to guide you in leading the way in this fast-paced, rapidly changing sector.

We understand that, whilst airports remain key national infrastructure assets, they are businesses learning how to adapt to and make the most of technology and the digital world.

We are excited by how digitalisation and big data are revolutionising airports, their operation and their interaction with users. We understand that you're looking to technology and data to enhance the passenger experience, optimise operational efficiency and maximise profits, all the time meeting strict regulatory requirements of the sector. We have no doubt that you are facing a host of challenges: managing growth whilst

optimising existing capacity; maximising profits; controlling costs; keeping passengers, their belongs and personal data safe; and protecting against potential large scale terror attacks.

The amount of data that can - and is - being collected, analysed and stored by every player in the aviation industry is vast. We understand that airports are a smaller piece in a much larger aviation data puzzle and they too are looking at ways to maximise the opportunities the big data world can bring.

We offer truly seamless international advice, with subject matter experts located across Europe, the Middle East and Asia-Pacific, and draw upon the wider expertise of our Aviation, Infrastructure, Procurement, Retail & Consumer and Technology & Communications groups to help get you to the right commercial outcome.

We share with our clients a genuine passion and enthusiasm for the industry and a drive to ensure our clients succeed.

## Aéroports de Paris (ADP)- Bouygues Batiment International (BBI)

Assistance to the consortium integrated by ADP and BBI in relation with the concession for the expansion and operation of the Havana International Airport.

## Various airlines

We advised various airlines (including Air China, Air India, Delta, Hainan Airlines and Beijing Capital Airlines) on ground handling and airport infrastructure matters in connection with their respective launch of services to Scandinavia.

## Isavia (Keflavik) Airport

Advising on multiple procurement processes related to a \$1-2bn major development plan, which will see the airport grow by over 100,000m<sup>2</sup> and will involve international procurement processes for programme management, design services and construction.

## Aéroports de Toulouse

We advised Symbiose consortium, which includes state-owned Shandong Hi-Speed Group and Friedmann Pacific Asset Management, an Asian investment fund, on its acquisition from the French State of its 49.99% stake in Toulouse airport.

## Travelodge

Advising Travelodge on the development of a number of their hotels including at Heathrow Terminal 4.

## Aéroports de Lyon

We are advising Lyon Airport on a public tender dispute before the Commercial Court of Lyon.

# Smart Cities

*The phenomenal growth in the use of technology within the built urban environment is particularly exciting and most obvious with the development of the “Internet of Things” and innovative tools such as Augmented Reality and Unmanned Aerial Systems. The accuracy and management of data collected by these technologies are critical to ensure the cost, quality and programme benefits are passed to all stakeholders.*

Combining our lawyers’ experience in procurement and delivery of complex regeneration projects with our technology focus equips you with advisors who understand the strategic and cost requirements you may face in developing the built environment, which increasingly coincides with the fast-moving demands of the smart city.

Through our experience, we know that such projects require pro-active management, working with the whole project team. We have the skills, tools and intuition to deliver this. A complex project will involve a large number of stakeholders and building positive relationships with them is a key to success. Negotiations will undoubtedly throw up challenges, and so creative problem solving will also be required. You will be able to draw upon our expertise, ensuring that you have the right people in the room when you need them. Our objective throughout is to deploy our skills and to deliver services to you which represent true value.

When software and technology integrate with building fabric and become the heart of the real estate what appear to be irreconcilable differences have to be resolved. These include:

- responsibility for design, installation and performance of the overall end product;
- short term software products lifecycle against long term duration of buildings and structures; and
- control and co-ordination of technology upgrades against disruption to physical occupation

Lawyers, together with clients, designers, contractors and suppliers of technology, have to adopt the legal and technical solutions to ensure that:

- the initial investment is protected from new innovations and technological developments;
- success of the project is measurable by the inbuilt flexibility of the buildings and the systems; and
- adequate arrangements are made for the control of software and technology upgrades

## Intelligent Energy System

“Intelligent Energy System” pilot project testing range of smart grid technologies to enhance Singapore’s power grid capabilities, as well as intelligent micro-grid infrastructure with renewable energy sources.

## BT

We have advised telco BT on the procurement, development and roll-out of the NHS’s N3 network, one of Europe’s largest private healthcare networks, worth £12 billion.

## C40

A group of 40 of the biggest cities in the world focussed on tackling climate change and making cities as smart as possible, on creating a framework to call off consultants to write action plans for climate control initiatives. This will require liaison with local governments and mayoral bodies across the Globe, as well as a strong focus on knowledge transfer between members. Here, C40 was looking for ‘procurement consultancy services’ and we were able to use our unique approach to delivering procurements to advise the client on both legal and more practical project issues.

## The Digitalisation of Infrastructure

It is certain that the world that we know will be dramatically different in less than 10 years from now. “Industry 4.0” stands for the potentially disruptive as well as beneficial interaction of digitalisation and connectivity.

Bird & Bird connects knowledge of the digital world with that of the infrastructure investor in a unique way. We have renowned specialists in the private equity, infrastructure investment fund, banking and non-bank lending space as well as in the field of technology and telecommunications, with all their complementary topics.

Our profound understanding of the investment landscape as well as the regulatory framework in many countries enables us to advise at the relevant cross-roads with key technology developments and to comprehensively assist you during the upcoming digital transformation of the industrialised world.

Beyond specific commercial questions, our advice includes classic IT and data protection law, telecommunication law, IP strategies (portfolio, IP asset management, technology alliances), procurement law, infrastructure projects and cooperation, M&A, outsourcing, finance (including project finance and project bonds), restructuring, real estate (area reduction, data centres) and labour law as well as a policy-oriented approach in the context of legislative procedures.

The development of digital infrastructure requires a combination of expertise and comprehensive "out-of-the-box-thinking". We are proud to have both and we readily apply it to develop creative solutions to the challenges brought about by the fourth industrial revolution.

## Advisory focus:

- Debt and equity finance
- Industry 4.0
- Smart Metering
- Big Data Analytics
- Blockchain
- Cloud Computing
- Cyber and IT-Security
- Cybercrime
- M2M
- Internet of Things
- Mobile Payments and Apps
- Open Source and Open Data
- Patentability of Software
- Frequency Regulation and Procurement Procedures
- Agile Programming
- Robotics and 3D-Printing

Our clients trust us to take the necessary steps together with them into those innovative areas, in which the added value and competitive advantages are significantly achieved by the use of complex technologies – we assist them with the development of legal solutions and with the hedging of risks.

## Data Centres

The world of technology is becoming increasingly reliant on overwhelming volumes of data. The COVID19 pandemic has accelerated this development. As the need for storage and data centres surges, we have positioned ourselves as industry experts in providing legal services to the ICT sector, operating at the cutting edge of developments relating to the data centre community, including cloud computing, "big data" and energy efficiency.

With over twenty years' experience, we can provide you with expert commercial and legal advice throughout the lifecycle of your data centre projects, whether you're a developer, investor, operator, supplier or end-user.

We recognise the critical role that physical IT infrastructure, particularly data centres, has in the deployment of IT services. Our lawyers have a profound understanding of the environment in which our data centre clients operate and most importantly and areas of difficulty they might face such as keeping operational expenditure low to selecting an environmentally sound site.

With energy costs rising efficient use of power and re-usage of heat have even higher importance. Using power from renewable sources is important to meet legally required or self-imposed sustainability targets.

With a dedicated Data Centres Interest Group comprising over 40 international specialists in Real Estate, Commercial, Data Protection, Corporate, Intellectual Property, Outsourcing and Dispute Resolution, we can offer more lawyers with significant data centre experience than any other law firm. Our investment in the data centre sector helps us provide you with legal services that have an added commercial dimension and put our legal advice into context for our clients.

### Leading data centre engineer and consultant

Drafting and negotiating a framework agreement for international, multi-disciplinary appointment with a leading data centre engineer and consultant.

### Leading European data centre provider

Advising a leading European data centre provider on regulatory and data protection questions, particularly on data sharing and data access via networks.

### Leading data centre provider and operator in the Nordics

Advising a leading data centre provider and operator in the Nordics on the development of a new data centre project in Norway. This includes procurement advice on the different methods of contractor's appointment.

### Interxion

Advising Interxion for over ten years on the acquisition and development of further data centre sites. This has included negotiations with landlords and adjoining owners, as well as the negotiation of section 106 agreements in relation to planning obligations and advising on matters such as electricity supply.

## Telecommunications

The telecommunications industry is changing; the transformation is fast, bold, and irreversible. Your business needs to assess the challenges and opportunities raised by next generation networks offering further improved network performance and reliability, higher capacity, new applications, new business models and innovative services.

We have been at the forefront of developments in international communications law for three decades, advising on some of the largest, most complex, and ground-breaking transactions and disputes the industry has seen. You will benefit from our unmatched experience in advising technology communications network and service providers on international telecoms regulatory matters.

Known for the depth of telecoms expertise across our extensive footprint, we support you through a coordinated team capable of delivering seamless cross-jurisdictional regulatory advice. Our clients, from both emerging and developed markets, include leading communications, broadcasting, satellite, and internet companies as well as banks, government bodies and regulatory authorities.

### Liquid Telecom

Advising on the acquisition of East African and Mauritian subsidiaries of Altech. The combination of Liquid's and Altech's networks created the African continent's largest single terrestrial fibre optic network, connecting more African countries than any other single terrestrial network.

### UK Government

Advising on the procurement of the IT and communications services needed to implement the rollout of 53 million smart energy meters across Great Britain, with a value in excess of £2bn.

### Telecom Italia

Assisting with participation and litigation of public tenders launched by national, regional and local administrations, concerning the supply of 3G comms and IT. Our advice covered several tenders awarded by publicly-held companies active in the rail and metro rail sectors (Metropolitana Milanese S.p.a. and Busitalia S.p.a.).

### Vodafone and Optus Mobile

Advising the joint venture between Vodafone and Optus Mobile Pty Limited, two telecommunication companies that took an important part on the 4G networks roll out across Australia. It involved the negotiation of complex master facilities access agreements with electricity utilities for the use of sites and infrastructure.

## Energy Management and Storage

Energy management is of central importance and is often the principal driver in plans to procure smart buildings or to retrofit existing buildings.

Energy consumers continue to take greater control of their energy needs including where they buy energy, the type of energy they buy and how they manage their energy consumption. We are a global team who push the boundaries of where the energy and utilities sector needs to go.

Looking ahead means you need to understand what has happened before. Our team have been doing this for a long time. Phrases like “green economy”, “renewables”, “energy efficiency”, “smart grids”, “smart homes”, “energy storage” and “carbon reduction” are not just buzz words for us. They have been at the core of our team for over 10 years as we help to create and shape new opportunities for our clients and engage with disruptive business models.

### Sunseap Group

Advising Charge+, part of Singapore’s Sunseap Group, in its new EV charging solutions comprising ultra-slim chargers, mobile apps and smart charging systems as it launches its plans to install 10,000 charging points across Singapore. Charge+’s innovative solution is expected to be a game-changer in catalysing EV adoption in Singapore.

### BW Energy

Advising leading Singapore energy company BW Energy on its first investment into the UK battery energy storage project. BW entered into a joint venture with green energy developer Penso Power to fund their UK storage projects, including the UK’s largest battery energy storage project “Minety”, and to develop the first stand-alone storage plant in Bramley, UK. We advised on the equity and debt finance, including the due diligence on the pipeline of projects.

### Push Energy

Advising in the early stages of a behind the meter storage projects portfolio. The project involves a portfolio debt financing and using the storage solution to both manage the energy needs of an on-site consumer and to generate income from National Grid revenue streams.

### Smart DCC (a wholly owned subsidiary of Capita plc and regulated by Ofgem)

Advising Smart DCC on its implementation of Ofgem’s Switching Programme. The Switching Programme aims to create a more competitive energy market in the UK by enabling consumers to switch their gas and electricity suppliers reliably and quickly, including by the end of the next working day. Once implemented this service will replace the existing switching service and will be developed alongside industry under the ambit of the energy regulator Ofgem.

# Sustainable Infrastructure

*Sustainability is increasingly a fundamental part of infrastructure development and operation. The process of understanding a projects exposure to sustainability issues is complex because the risks are diverse and the landscape is changing rapidly. Below we outline a number of key issues to build into your legal strategy.*

## Green financing

It is clear that financing with green and sustainably linked loans will be at the forefront of financing for the foreseeable future, as environmental concerns become a more central point in determining short, medium and long-term economics. The EU taxonomy will give green lending and financing of sustainable infrastructure a further push.

Companies must react to:

- Governmental pressures, as sustainability and climate discussions come to dominate political discussion. Some governmental funds earmarked for the post-COVID-19 economic recovery period will be limited to go to firms that will reduce carbon emissions. Companies (and therefore borrowers) must adapt to this new direction if they are to thrive in the 'new normal'.
- Internal pressure applied by shareholders; shareholder activism has become a wide-spread and readily used tactic in creating change in organisations – a great example of which is the suspension of Polish Ostroleka C coal-fired plant following legal action citing the build as a 'stranded asset in the making [which] would destroy value for shareholders' following changes in EU climate policy and European Investment Bank financing policies; and
- Investor and lender pressures, as investors and lenders look to incorporate ESG principles as part of their investment and loan agreements as discussed above.

If you are interested in ESG financing or investment, please don't hesitate to get in touch. Our global network of 29 offices across 21 countries in Europe, the Middle East, North America and Asia-Pacific makes us uniquely placed to advise on global financing structures and investments.

# Rail

The changing needs of the railway globally demand a new look at the ways the industry does business both within itself and with its suppliers, customers and advisors. New physical infrastructure and rolling stock is part of the solution, but the greater part will come from innovation and technology.

Our rail sector group brings together our global experience advising industry participants on diverse mandates including financing of rolling stock and related infrastructure, M&A, real estate, commercial and outsourcing, IP, regulatory, planning and environment, dispute resolution.

We work with lessors, train operating companies, manufacturers, project sponsors, funders and other investors, as well as public bodies. As a result we bring a measured and commercial approach to their transactions.

We are particularly active in rail project financing - acting for funders or sponsors - and we are familiar with all transaction types in the sector, including hybrid PPP/asset finance, private or public bonds and structured debt finance.

Looking to the future, our long-standing rail sector experience, combined with our focus on technology and innovation in the digital world means we are well placed to guide you through the challenges and opportunities posed by technology and digitalisation of the railway.

## Centostazioni S.p.A. (managers of mid-sized Italian railway stations)

Advising a project concerning the commercial development of Italian railway stations.

## Bombardier

Legal advice and supervision of a review procedure concerning a major procurement procedure regarding the construction and delivery of rail vehicles for the suburban railway network of Berlin.

## Land Transport Authority

Advising in respect of disputes for damage to Marina Coastal Expressway, Singapore.

## Track Maintenance Equipment

Acting for a financier/lessor in connection with provision of track maintenance equipment for a major rail network.

## Turkish Rail Hub

Advising the lenders on the financing by a multilateral bank and a Chinese commercial bank of the construction and operation of a major Turkish rail port/transport hub.

## Network Rail Digital Infrastructure

We are advising a leading independent end-to-end IT services company in relation to disputes and project management issues arising from Network Rail's multi-million-pound programme to digitize and upgrade its asset management system. This is one of the key infrastructure projects in the UK and of central importance to Network Rail's ongoing management of its infrastructure and assets.

# Health Infrastructure

*At Bird & Bird we have a thorough understanding of the dynamics and issues connected with the procurement of complex and technologically advanced healthcare facilities and equipment, including the design and construction of buildings and infrastructure.*

The COVID19 pandemic has put healthcare and its existential relevance for a functioning society in the spotlight even more than it already was before.

We have developed skills and expertise to deal with the issues clients will encounter in undertaking such projects. Our clients choose Bird & Bird for our expertise in the key technologies, processes and regulatory frameworks needed to deliver more intelligent healthcare in the 21<sup>st</sup> century.

Our healthcare projects team focuses on bringing complicated healthcare projects to life. Many of these projects are hugely complex with high stakes where the risks associated with failure are very damaging, in terms of monetary cost, negative publicity and denying service and benefit to end-users. Our broad experience helps our clients: we act for both public and private sector bodies, and so are skilled in identifying issues before agreements are forged and we use our experience to help deliver contracts which are pragmatic and operationally workable. We have seen the causes of failure and experienced the reasons for success.

## Aalborg University Hospital

Assisting Aalborg Forsyning and supporting with project management in connection with several procurements to NAU (The New Aalborg University Hospital) making the hospital more sustainable by reusing their water. As a part of our framework agreement with Aalborg Forsyning, we contribute with legal advice and assistance in a complex procurement within the Utilities Directive, concerning a district cooling system to Aalborg University Hospital. The contracts concern the establishment of 3 sites, containing pumps, a technology room as well as the pipelines connecting the lake and buildings to the hospital.

## The Christie NHS Foundation Trust

Advising on procuring a new patient entertainment and information platform. The system was considered truly innovative and was procured through the new Innovation Partnership procedure set out in the Public Contracts Regulations 2015. This was only the third such procurement in the whole of the EU.

## Singapore Ministry of Health

Advising Ministry of Health on tender documents and procurement procedures of D&B and consultancy services for rollout of polyclinics and specialist clinics across Singapore.

## Private Finance 2

Advising a UK Hospital Trust on its PF2 Hospital.

# Get in touch

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