

Bird & Bird

International Energy & Utilities Brochure

2022



Our Energy & Utilities Group

Bird & Bird LLP is an international law firm. We combine exceptional legal expertise with deep industry knowledge and refreshingly creative thinking. We have over 1,400 lawyers in 30 offices across Europe, the Middle East and Asia, as well as close ties with firms in other parts of the world.

Our Energy and Utilities team of over 100 lawyers spread across our network advise on energy and utilities matters across all of our practice areas. As an international team, our sector approach is not broken down by offices but into sub-groups that focus around particular aspects of the Energy & Utilities sector.

Our practice is driven by a genuine understanding of key business imperatives and is particularly strong in:

- Energy regulation
- Corporate finance
- Projects, including development, construction and operation
- Dispute resolution
- Intellectual property
- Commercial contracts
- EnTech including blockchain contracts
- Technology procurement and management

The combinations of our strengths in the traditional energy sector and the technology specialism for we are better known, means that we are ideally placed to support those companies involved in new methods of energy generation and management.

Our deep understanding of this new generation mix; network issues associated with generation; and which issues arising from new technology developments, business methodologies and operational parameters allows us to help businesses protect and enhance their value.

Areas we cover include:

Energy Management

Oil and Gas

Energy Networks and Transmission

Hydrogen

Energy Storage

Renewable Energy

Energy Digitalisation

Mining and Minerals

Renewables

A key focus area for us is renewable energy, covering solar, wind, biomass, anaerobic digestion, energy from waste and energy efficiency.

We believe we have one of the leading international renewable energy practices in the world. Our Energy & Utilities Group has been ranked number 1 globally in the “Top 20 Legal Advisers by Number of M&A Deals” by Clean Energy Pipeline again in 2022.

We have been at the forefront of legal advice in the solar energy industry for over a decade. Our lawyers have advised developers, landowners, EPC contractors, off-takers, regulators, banks and funders, local authority and government bodies 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. We are a cohesive and expert team who understand how to work together to complete renewables projects to international investor standards.

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.

This industry experience has meant we have closely tracked the emergence of Corporate PPAs, where global multinational corporations are buying

electricity directly from the developers of wind and solar parks. This completely revolutionises the market for renewable power from subsidy and utility driven to market demand driven. We consider we are at the forefront of this market, having developed and negotiated innovative contract and business PPA structures, from physical PPAs to synthetic/virtual PPAs.

To read our latest International Corporate PPA report, please [click here](#).

Borealis

Advising Borealis, a leading provider of polyolefins, base chemicals, and fertilizers, on the negotiations and drafting of a sleeved PPA for the offtake of energy from the Mermaid offshore wind park in Belgium. The agreement entails the purchase and supply of over 1,000 gigawatt hours (GWh) of wind power over the next 10 years.

UK wind farm generator

Advising a UK wind farm generator (owned by Ventus and managed by Climate Change Capital) on its sleeved PPAs with Sainsbury’s supermarket. Sainsbury’s became the first company in the UK to enter into a PPA directly with the generator as a result of this deal. Another of our energy partners advised Sainsbury’s on this deal whilst at his previous firm SNR Dentons so our lawyers are familiar with this project from all perspectives (generator, corporate and licensed supplier).

Energy Storage

Bird & Bird has a specific focus on Energy Storage, with a dedicated team of specialists.

As the technology sitting behind energy storage has developed we have become increasingly involved in advising clients on planned business streams and projects, both behind and in front of the meter.

We help our clients to:

- protect critical information when developing a technology
- analyse the regulatory framework for operating a storage facility
- draft and to negotiate contracts in order to construct and to operate the facility and/or the device
- receive the necessary permits and to carry out administrative procedures successfully
- finance a project on oneself or together with reliable partners

Increasing in relevance

We recognise the increasing relevance of energy storage. This field of activity is becoming more and more important since:

- The amount of electricity generated by conventional means is relatively fixed but demand fluctuates throughout the day
- Countries are becoming increasingly reliant on renewable energy resources to meet emission targets
- Renewable resources such as solar and wind are intermittent in nature (e.g. during the night time and in poor weather)
- Energy storage captures surplus energy for times of increased demand and it allows renewable energy output to be smooth and dispatchable

CNIC/Huaneng Energy – Minety UK Battery Storage Project

We recently advised CNIC and Huaneng Energy in relation to the acquisition and development of two in front of the meter 49.9 MW battery storage facilities located in Wiltshire. The combined capacity of both facilities means it is one of the largest battery storage projects in Europe.

Still Waters Green Technology

Advising on their acquisition, development and project financing (by Santander) of a development stage 30MW UK battery storage project and the subsequent negotiation of their EPC contract, battery supply agreement, lease, planning and grid contracts as well as the regulatory compliance requirements for the project in order make the project bankable and economically viable.

Centrica

Advising on a project to develop a battery storage facility on an industrial site in France – assistance on regulatory, planning and construction aspects.

Energy Management

We help clients take control of their energy needs, whether they buy it or generate it themselves, or whether they want to manage their consumption, achieve security of supply, lower their bills, improve building efficiency, or derive an income from innovative solutions.

Our clients are typically high energy users (data centres, manufacturers, industry), property developers, retailers, investment banks, infrastructure investors, contractors, operators, and technology providers. The way consumers manage their demand and consumption of energy has become a strategic priority in order for them to take advantage of a range of economic, reputational and sustainability benefits.

We offer a full service offering across our international network to organisations that are seeking to develop and implement an effective energy management strategy. We focus on these key areas:

- On-site energy generation & storage projects
- Smart metering projects
- Smart cities & smart grids projects
- Renewable power purchase agreements
- Energy performance contracts
- Regulatory advice
- Energy savings & energy efficiency projects
- District heat & utilities projects

Westfield Europe Limited

Advising Westfield Europe Limited in relation to the contract implementation of a Concession Agreement for the long-term operation of a CHP plant and supplies of heat, cooling and electricity to Westfield's White City Shopping Centre in London.

Brookfield

Advising property developer, Brookfield, on the appointment of Engie to supply heat, cooling and electricity via a decentralised utilities network to part of Brookfield's Principal Place development in Shoreditch, London. This includes a fifty-storey residential tower block, Principal Tower, and adjacent affordable housing blocks.

Energy network (client confidential)

Advising on the land acquisition, construction and long-term concession of a 30MW gas-fired heat and power network, utilising anaerobic digestion generated gas-to-grid biomethane. It will be a district scheme serving multiple sites across a city and require large-scale retrofit of existing commercial and residential buildings.

Energy Network & Transmission

Energy networks play a pivotal role in the global economy

The European Commission places networks at the heart of its policy of developing competitive, sustainable and secure energy markets. According to the Commission, €200 billion must be invested in energy networks by 2020 in order to achieve this objective. However, following its sector inquiry, the Commission concluded that in a number of cases, networks and markets were inadequately liberalised, inefficient and/or controlled by those with an interest in preventing the emergence of competitive access.

In order to remedy these deficiencies, the third EU energy liberalisation package required the full unbundling of transmission from production and supply activities, and the development of EU network codes to create integrated EU energy networks and markets. Constantly fluctuating supply and demand, the need to integrate increasing quantities of renewable energy and the inability to store electricity all add further levels of complexity to this mix. The same physical factors also mean that commercial agreements in the sector are particularly complex.

Our clients benefit from our significant experience of advising on energy network issues. Members of the team have advised major global energy companies, network operators (including many individual gas and electricity TSOs and DSOs as well as ENTSO-E) and users, as well as governments and regulators. This broad perspective gives the team a pragmatic approach that adds real value to the projects on which it works. Our team includes well-known former regulators, and the authors of several well-received books and articles. The team's leading experts are regularly asked to speak at influential European conferences and events.

Energy Data Service Netherlands

We are acting as legal advisors of EDSN, Energy Data Service Netherlands, a co-operation of the Dutch distribution system operators. We have conducted a legislative compliance review of the operations of EDSN with regard to energy, competition and privacy legislation.

EirGrid

We led a consortium providing legal advice to the Irish electricity transmission system operator EirGrid and its subsidiary the Northern Ireland TSO SONI on the implementation of the I-SEM project. This is the alignment of the all-island electricity market with the new EU electricity market codes, requiring the introduction of new forward, day-ahead, intraday and balancing markets, as well as the development of a new capacity market.

The Energy Market Authority of Singapore

The Energy Market Authority of Singapore on a project to develop an intelligent micro-grid infrastructure on Pulau Ubin to supply electricity using clean and renewable energy resources and to facilitate test-bedding of close-to-market clean and renewable energy technologies.

Energy Digitalisation

The pace of digitalisation puts present business models in the energy industry under review. Disruption and digital transformation will accelerate and intensify changes in the industry.

The rise of renewable energy, the changing role of nuclear energy, climate protection and grid expansion as well as smart grids define significant parts of the ongoing transformation of the energy sector. The pace and effect of this 'Energy Transformation' has surprised many. Beyond the energy sector "Digital Transformation", "Industry 4.0" or "Awakening of the Data Economy" are key issues, describing a rapid and profound transition of our economic life.

There are estimates that approximately 40% of the companies that are around today won't exist in 10 years, because they either did not implement the digital change in a timely manner or they did not implement it at all.

It is certain that the energy industry that we know today will be dramatically different in less than 10 years from now. "Energy 4.0" stands for the

potentially disruptive as well as beneficial interaction of digitalisation and Energy Transformation.



Bird & Bird often called upon to handle commercial, regulatory and development matters for a number of energy companies.

Chambers Global, 2022

British Government

We were appointed by the British Government in August 2011 to advise them on the Smart Metering Implementation Programme, focusing on the parallel procurement of IT and connectivity services in support of Britain's £11bn national smart metering programme.

We have continued to support Britain's central smart metering body (Smart DCC) on a number matters relating to the in-life operation of Britain's smart metering programme of as well as new technology contracts relevant to the energy market generally.

e-Mobi

Conducted a state aid review of the operations and activities of e-Mobi, the state-owned company instrumental in the roll-out of charging infrastructure for electric vehicles in Hungary, the related payment platform and the distribution of subsidies to buy electric vehicles.

European Federation of Energy Traders

Advising EFET with regard to REMIT requirements for energy trading, particularly on data reporting requirements.

Did you know that Bird & Bird:

Advised on the biggest change in the British energy market since the 1970s?

Has been involved in all of the offshore wind farm projects in the German North Sea?

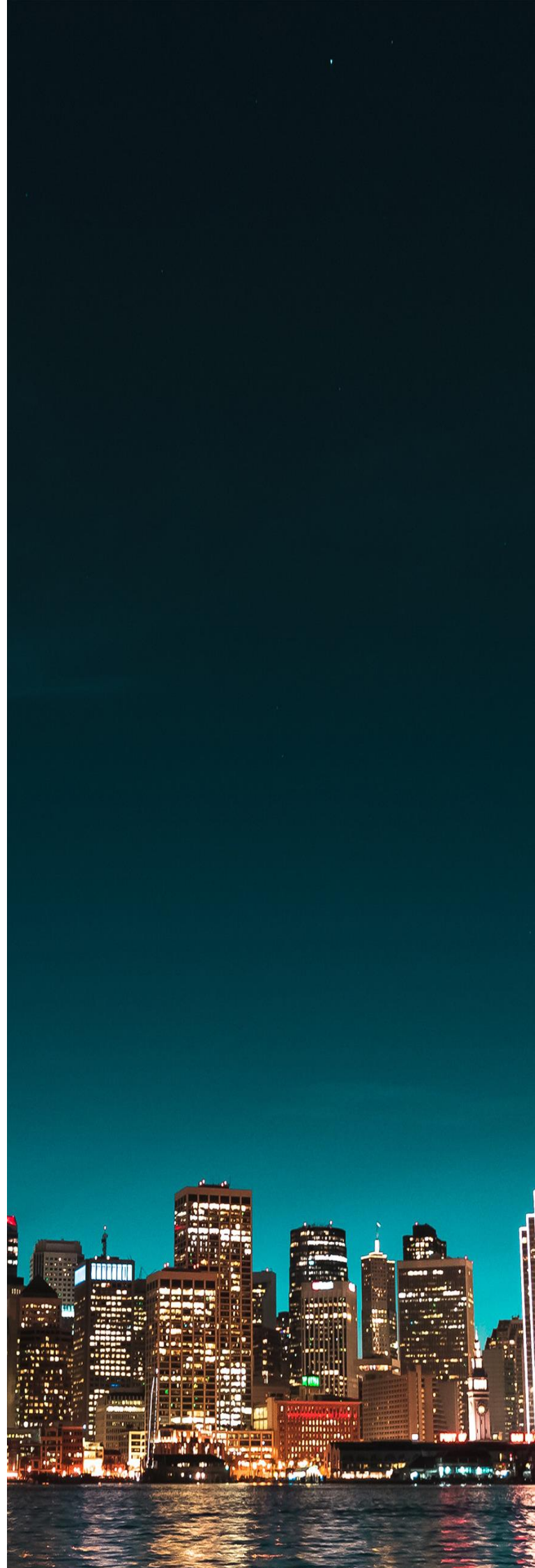
Includes as members of its team many of the most experienced and respected figures in the energy sector in Europe, including the former Vice-President of the Bundesnetzagentur and of the Council of European Regulators?

Includes a number of leading published industry experts who regularly contribute to, and influencer, the wider debate – as co-editors of 'Renewables: A Practical Handbook', as author of the electricity chapter in Butterworth's Competition Law Services, as author/major industry conferences and events?

Has advised the Electricity Market Authority of Singapore for over 10 years on issues such as the implementation of contestability in the Singapore electricity market, and modification of the Transmission Code?

Has over 100 lawyers across our offices who advise on energy and utilities matters?

Is renowned for its innovative solutions to the world's most technologically advanced companies, helping them to realise their business goals?



Oil & Gas

We support clients at all stages of their development, from pre-exploration through to exploration, appraisal, development and, where relevant, exit.

Clients benefit from our extremely broad experience in oil and gas. It spans upstream, downstream and midstream including:

- conventional and unconventional oil and gas;
- LNG;
- pipelines;
- refineries;
- petrochemicals; and
- biofuels.

Our dedicated team of oil and gas lawyers, many of whom have joined from top ranked oil and gas practices and the industry, are based in key geographies across our network of 29 offices.

Our wide ranging client base includes oil and gas majors, oil companies, small to mid-cap E&P companies, oil services companies and contractors,

oil and gas traders, governments and government agencies, equity providers and lenders. As a result, our lawyers understand opportunities and risks from all viewpoints.

We are able to provide practical and commercial advice to clients on industry specific work such as concession agreements, farm-ins and farm-outs and joint ventures. Experienced and knowledgeable, our oil & gas team draw on their commercial knowledge to deliver corporate, banking and finance, dispute resolution, regulatory and intellectual property advice.

BP Chemicals

We advised one of India's largest companies on their acquisition of BP's purified terephthalic acid (PTA) petrochemicals plant in Malaysia. The deal saw our client acquire 100% of the equity in BP Chemicals (Malaysia) Sdn Bhd for \$230 million.

Carpatsky Petroleum Corporation

Complete retrial of all issues dealt with in Stockholm arbitration, including allegations of fraud, validity of agreements, and corporate identities.

WH Ireland Limited

Acting for WH Ireland Ltd, the nominated adviser and broker, on the re-admission to the AIM Market of the London Stock Exchange of UK Oil & Gas Investments PLC and a series of pre-admission fundraisings, raising gross proceeds of £12.5 million.



This team is known for its good knowledge of the oil and gas sector and, in particular, companies in the mid and small cap space. This knowledge makes it unique and able to provide specialist and tailored advice.'

Legal 500 UK, 2020

Hydrogen

Whether as an energy carrier, energy storage for renewable energies, a climate-neutral fuel in transport, essential element of sector coupling or as a means of decarbonising CO₂ sources, Hydrogen is clean and versatile.

Accordingly, the desires surrounding the use of hydrogen are growing – and with them the legal questions that arise in this context. For these are as diverse as the usability of hydrogen.

To read our latest **International Green Hydrogen** report, please click [here](#).

The Co-operative Bank

We advised The Co-operative Bank in relation to the financing of a co-located wind farm and electrolyser that produces hydrogen used to produce heat for use locally and for transport in a ferry that is powered by a hydrogen fuel cell on a Scottish Island called Shapinsay.

LKAB, SSAB and Vattenfall

Setting up HYBRIT Development AB, a cooperation between LKAB, SSAB and Vattenfall for fossil-free, hydrogen based, production of steel.

Enagás Empreende

Assistance in the drafting and negotiation of the contractual arrangements for the installation of the first ever Hydrogen refuelling station (HRS) in Spain for the refuel of hydrogen-fuelled vehicles. The transaction involved a consortium comprising Toyota, Carburos Metálicos, and Sumitomo.

Mining & Minerals

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

Bird & Bird's Mining and Minerals Group combines first-class knowledge of the mining industry with expertise and a genuine understanding of the development, finance and processes which are critical to the successful growth and development of the sector.

We are international and cross-border in our outlook, advising on all kinds of issues related to the mining and minerals sector, involving assets, transactions and disputes all around the world.

Because our lawyers genuinely understand the dynamics, issues and opportunities in this sector, we are able to align our service proposition accordingly and to service the needs of companies at all stages of their development.

Our work for mining and mineral resources covers:

- Financing for mining companies
- Stock exchange listings
- Legal opinions & Competent Person Reports
- M&A and investments
- Production sharing agreements, offtake & product sale
- Governance structures & anti-corruption legislation
- Exploration licences and due diligence
- Shareholder Activism
- Mine construction & infrastructure contracts
- Procurement of equipment, fixed plan & machinery
- Employment (including health & safety)
- Dispute resolution
- IP protection, exploitation & litigation
- Planning and environmental

Jangada Mines

We acted for AIM listed mining client, Jangada Mines plc, on the sale of its Pedra Branca project (South America's largest and most advanced platinum group metals and nickel project) to a subsidiary of TSX-V listed entity, ValOre Metals Corp.

Gemfields

Advising AIM-listed multinational natural resources company, Gemfields plc, one of the world's leading suppliers of responsibly sourced coloured gemstones, on its global trade mark portfolio, involving brand clearance, brand protection and associated enforcement action across 47 countries.

Barrick Gold Corporation

Advice in relation to a major drilling contract for one of the group's joint venture companies in Saudi Arabia.

*"Bird & Bird are all outstanding. Their knowledge of the reality of business which, together with their superior legal skills, allows them to provide customised and practical advice."
"communication and quick answers."*

Chambers Europe, 2020

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Thank you

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