TaylorWessing

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Energy & Infrastructure

Solar, Storage and E-Mobility

TaylorWessing

Smart and sustainable legal advice for new technologies and business models.

The combination of solar power, energy storage technologies, and e-mobility is considered a crucial cornerstone of the energy and transportation transition.

As we move towards decarbonisation and greater sector coupling, advanced photovoltaics, battery storage and e-mobility are becoming increasingly intertwined. Smart and sustainable district/quarter developments (similar to 'Quartierskonzepte/Quartiersentwicklungen') combine in particular solar, storage and e-mobility services together.

With new technologies being developed on an ongoing basis, new business models are emerging, such as: companies that operate and manage commercial charging infrastructure, partnerships between EV carsharing and EV charging providers, opportunities to trade in greenhouse gas reduction quotas (GHG quotas) and businesses transforming second-life EV batteries into battery storage solutions. Artificial intelligence is key and an essential prerequisite in making many of these new technologies and respective business models a reality.

These developments create a vast variety of (legal) challenges for all stakeholders, be it developers, investors, banks, utility providers and more.

In the solar, energy storage and e-mobility sectors, it's not just the technology and business models that are changing rapidly. Legal frameworks are also developing swiftly, though they're not yet fully unified across Europe and are being continuously adjusted to align with market developments. This requires constant monitoring by all stakeholders, increasing the legal challenges for successful project realisation even further.

We can help you navigate this constantly changing environment. Our International Real Estate, Infrastructure and Energy team can provide a range of legal assistance regarding:

- roof-mounted PV systems for commercial and industrial real estate
- energy storage systems for commercial and industrial applications
- charging infrastructure and charging stations
- e-mobility and mobility services
- district/quarter developments

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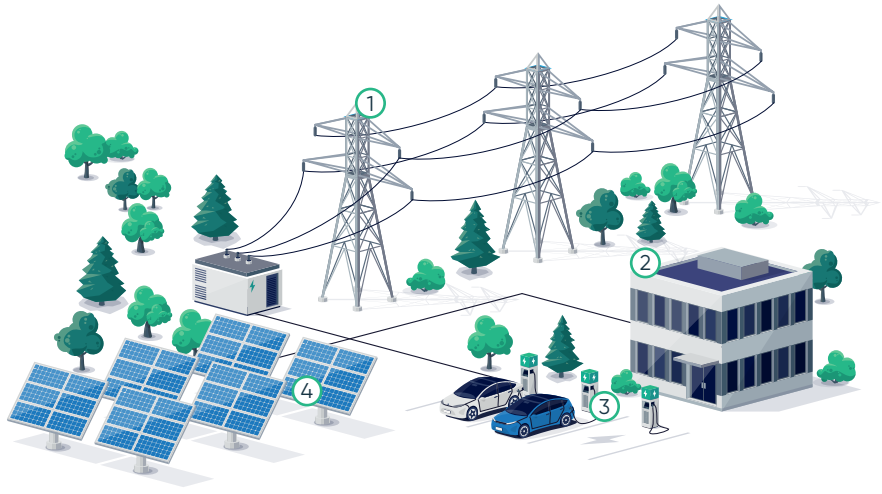
Roof-mounted PV systems



1 Electricity grid
2 Own consumption
3 Own consumption
4 PV modules

The generation of electricity from renewable energy sources is becoming increasingly important. At the same time, decentralised generation, in the face of overloaded grids, is an important alternative to large power plant projects.

Rooftops of commercial/industrial properties are well-suited for this purpose. They enable electricity generation through photovoltaic systems and the supply of tenants and other users of the property but can also feed into the grid.

Our International Real Estate, Infrastructure and Energy team can provide advice on all aspects of PV installations. We advise on transactions and financing in the early and late stages, regulatory and planning aspects, and on construction and related (EPC) contracts and project agreements. Our team possesses wide-ranging expertise in delivering high-quality legal services for investments, developments, and operations in the solar sector.

Our expertise:

Regulatory

- Remuneration requirements for state subsidies
- Tendering procedures for state subsidies
- Marketing concepts (feed-in, tenant electricity, self-supply)
- Energy efficiency requirements
- Notification obligations
- Co-ordination with competent grid operators
- Grid connection contracts
- Co-ordination with responsible meter operators
- Metering concepts
- Construction/building permits if necessary.

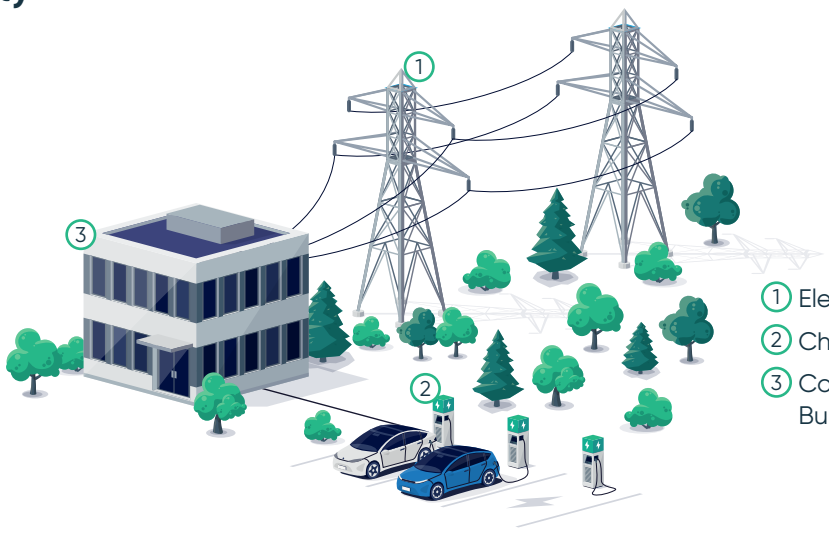
Contracts

- Construction agreements (EPC)
- PV module supply agreements
- Operating and service agreements
- Rooftop lease agreements
- Electricity supply agreements/direct marketing contracts
- Financing contracts
- Insurance contracts
- Amendment of existing lease agreements with tenants

Financing

- Claiming public subsidies with regard to OPEX and CAPEX
- Alignment of securities for the PV financing with financing for the supporting buildings
- Structuring of loans
- Ensuring bankability of all project-related documents

E-mobility



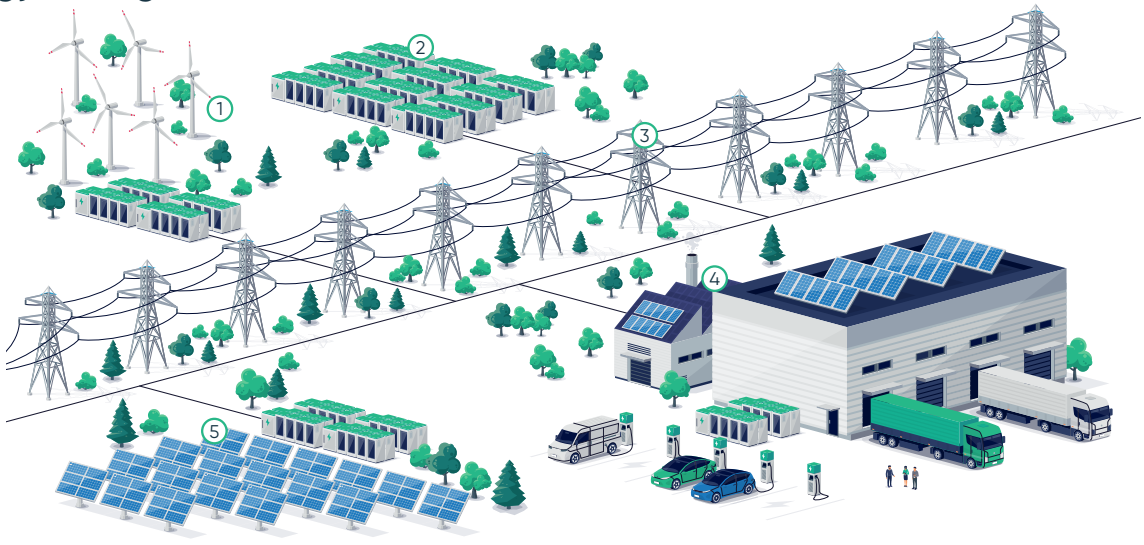
Key to the development of the e-mobility sector is the creation of the necessary charging infrastructure.

Municipalities, states and the federal government are working on the infrastructure in public spaces, either on their own or together with project partners. In addition, private properties are also being equipped with charging points. They are a key component of infrastructure development, and demand for modern equipment in residential and commercial properties is growing. A number of regulatory requirements must also be met.

Our expertise:

- **Distribution:** contracts along the value chain, co-operations between service providers, expansions of existing business activities.
- **Energy:** contracts with energy suppliers, energy law aspects of charging stations; grid access, energy supply contracts and contracting, regulatory and civil law advice on GHG quota and corresponding marketing models, GEIG advice.
- **Infrastructure:** comprehensive (e-)mobility concepts, charging infrastructure, public procurement and state aid law in the context of tenders and projects, subsidies and grants.
- **Real estate:** building law, tenancy law and civil law with reference to mobility concepts.
- **Data protection:** data protection law in connection with charging, monitoring and billing infrastructures, use of personal data, holistic data protection concepts.
- **Intellectual property:** industrial property rights, trademark aspects and patents.
- **Product liability:** product safety and legal aspects of compensation for damages.
- **Banking law and banking supervisory law:** payment systems.
- **Corporate law/M&A:** joint venture agreements; M&A transactions; private equity and venture capital investments.
- **Tax:** tax structuring and auditing of business models.

Energy Storage



1. Onshore wind park with large-scale stationary storage systems
2. Large-scale stationary storage systems ('front-of-the-meter-storage')
3. Electricity grid
4. Commercial and Industrial (C&I) storage systems including solar panels and charging infrastructure
5. Solar park with large-scale stationary storage systems

For a secure and reliable power supply based on 100 % renewable energy sources, decentralised and centralised stationary battery storage systems are needed on a large scale. The storage of electrical energy is a crucial component for a future electricity market that relies exclusively on renewable energy generation. Energy storage systems play a buffering role at the interface between volatile generation and consumption, providing valuable flexibility to facilitate the transformation of the energy market.

In addition to the technological challenges associated with storage, the legal and regulatory framework for the development of new business models in the storage sector is essential.

Decentralised storage systems in industry and commerce can increase the share of solar self-sufficiency and, in view of the sharp rise in energy market prices, offer potential for economic and ecological savings. Intelligent power electronics and energy management systems optimise the interaction between generators, consumers, storage systems and power grids.

In the European Union, initial legal requirements have been established in recent years. German law also contains numerous regulations relevant to storage. Our interdisciplinary team provides comprehensive advice and support to clients on all legal and regulatory issues related to energy storage.

Our expertise:

- EU legal and national statutory requirements
- Network charges, levies, and taxes
- Avoidance of double taxation related to levies and taxes
- Grid connection and grid access
- Rights and obligations related to the Energy Industry Act (EnWG)
- Reporting obligations
- Storage as critical infrastructures (KritisV)
- Examination of relevant permit requirements (eg, Federal Immission Control Act, Hazardous Incidents Ordinance, Federal Immission Control Ordinance, Water Resources Act, Water Resources Management Act, Environmental Impact Assessment Act, Federal Nature Conservation Act)
- Establishment of planning law foundations (preparation or modification of zoning plans, privileged circumstances)
- Obtaining of necessary permits
- Preparation for building
- Compliance with fire protection regulations, fire department regulations, and other regulatory requirements

Quarter Developments

The transformation of society and urban systems is a central task in the coming years. The energy and transport transition pose significant legal challenges in German cities, particularly at the local neighborhood and building levels. To achieve the climate protection goals of the federal government, greenhouse gas emissions must be significantly reduced. In the electricity sector, the share of renewables must be substantially increased. Carbon emissions in the building sector must decrease, renovation rates must rise, and sustainable mobility concepts are needed.

Buildings are responsible for approximately 25% of the CO_2 emissions in Germany. Vacant conversion and commercial areas, building gaps, and opportunities for targeted urban densification offer a chance to create new climate-compatible neighborhoods. Shaping urban development through active mobilisation of building land and clear decision-making in urban planning will be key for further sustainable development.

Decentralised supply solutions can enable neighborhoods with residential and commercial buildings to be designed with energy efficiency and low emissions, making a significant contribution to climate protection.

The legal and regulatory framework for neighborhood developments is often not transparent and demanding. Numerous amendments, for example to the Renewable Energy Sources Act (EEG), the Combined Heat and Power Act (KWKG), and the Electricity and Energy Tax Act (EnergieStG), have considerably increased the complexity of energy law in recent years. Keeping an overview of the complex (legal) requirements and optimisation options is essential for a successful overall concept.

Spatial and digital connectivity are indispensable for a sustainable neighborhood of the future. Mobile working, homeschooling, and digital leisure activities require a robust telecommunications and broadband infrastructure.

Taylor Wessing provides legal advice in particular to private companies as well as investors in all phases of neighborhood development. In addition to examining various issues in the fields of public and private construction law, planning and environmental law, competition and procurement law, energy and public law, we support our clients with legal advice on financing and funding matters.

Very good negotiators and excellent specialist and market knowledge: Negotiations in close coordination with the client - detailed market knowledge.

Legal 500 Environmental and Planning Law 2023

The team provides us with excellent interdisciplinary advice. This collaboration also works smoothly across several locations.

Legal 500 Energy Sector 2023

Real Estate	★★★
Energy Sector: Regulatory	★★
Project Development and Construction	★★★★
Energy Sector: Transactions	★★★
Planning and Environmental Law	★★★

JUVE 2023/2024

The colleagues at Taylor Wessing have very in-depth knowledge of the industry and therefore know how to offer customized solutions in the shortest possible time. The cooperation with our in-house colleagues runs smoothly and is always very professional.

Legal 500 Energy Sector 2022

JUVE TOP 50 Wirtschaftskanzlei Deutschland 2023|2024

The Legal 500 Deutschland TOP TIER 2024

clean energy pipeline

Credentials

Client	Matter
Joint Venture between a project developer and a real estate company	Advising a Joint Venture between a project developer and a real estate company on a complex quarter development in Hamburg, especially in relation to general contractor contracts (GU-Verträge) regarding all construction sites. The innovative concept combines residential and commercial units.
German real estate company and developer	Advising a German real estate and development company especially regarding legal advice on a quarter development in Hamburg (HafenCity).
Real Estate project developer of high quality assets	Advising a real estate project developer of high quality assets on project developments in the context of a quarter development in Hamburg (development of hotel, residential and leisure sites).
Global real estate investment company	Advising a global real estate investment company on construction law regarding the master plan and development of an urban quarter in Dusseldorf.
Global real estate company and asset manager	Advising a global real estate company on the acquisition of an office headquarter and its integration in a complex quarter development in Bremen.
Leading industrial real estate developer	Advising in the field of renewable energies (including EEG, distribution law, energy tax law, tenancy law and corporate law). Legal advice in connection with the installation of charging infrastructure and the drafting and negotiation of EPC contracts with several potential EPCs for solar PV plants on large industrial properties (rooftop solar plants).
Leading renewables asset managers and project developers	Advising on drafting and negotiation of several EPC contracts for German ground-mounted solar photovoltaic projects in several German Federal States with a total installed capacity of > 500 MW.
Real estate developers	Legal advice on rooftop PV systems on existing and new logistics properties (in particular roof rental agreements, EPC contracts, maintenance and operation management contracts and electricity supply contracts).
Real estate developers	Legal advice on the planning, construction and marketing of PV rooftop systems on existing and new properties (in particular rooftop rental contracts including BaFin inquiries, electricity supply contracts and review of metering concepts).
Real estate developers	Legal advice on the planning and construction of rooftop PV systems in a new residential district including line infrastructure and other energy supply (in particular project development agreements, roof rental agreements and leasehold contracts).
Real estate operator	Legal advice on rooftop PV systems on existing and new-build properties (in particular roof rental agreements, EPC contracts and electricity supply contracts as well as advice on tax and tenancy law).
Various industrial companies and hyperscalers	Legal advice in connection with long-term electricity supply contracts: Drafting and negotiating PPAs with multinational European energy companies, PPAs with municipal utilities, comprehensive legal advice and revision of model PPAs.
EV charging and infrastructure company	Advising a leading EV charging and infrastructure company and market leader on their international expansion across multiple jurisdictions.
Dockless bike share provider	Advising a leading dockless bike share provider regarding the roll out of their operations in multiple European countries.
EV charging and infrastructure company	Advising a leading EV charging solutions provider regarding the implementation of a service agreement related to the installation, maintenance and operation of charging stations.
Leading US online trade company	Advising a market leading US-online trade company with parking spaces EV charging ready according to the latest EV standards within its build-to-suit logistics buildings in Germany.
Leading renewables asset manager	Advising an asset manager and wind and solar park operator regarding the acquisition of a ready-to-build (RTB) battery project (12 megawatts respectively 24 megawatt hours) in Germany.
Globally operating energy supplier	Advising on the acquisition of a battery storage pilot project as well as the further implementation and procurement of the necessary environmental permits.
Globally operating asset manager	Advising on the acquisition and construction of a combined wind+battery storage project in Germany.

Our Team

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