

Hogan
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Environmental Law in
Germany
Our Expertise

2022

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JUVE **JUVE**
HANDBUCH HANDBUCH
2019|2020 2021|2022

Ranked in tier one for Product related Environmental Law/ Regulatory

Our expertise in environmental law

Environmental law covers a range of legal areas which are often of crucial importance for investment projects in approval procedures under emissions control law and sectoral planning law or in other legal fields. The main elements of environmental law include emissions control law, water law, soil conservation and contamination law, nature conservation law, mining law and nuclear law.

Reliable, competent legal advice for these complex matters is indispensable and pays dividends. With our expertise built up over many years, we can provide you with the necessary support.

For investment projects, we can offer assistance from (legal) feasibility studies right up to the judicial review in the context of collective actions or complaints from owners of adjoining properties. In this regard, we offer you comprehensive support in all relevant legal issues relating to the investment project.

Years of experience and specialist expertise – these two pillars of our advisory work help us to

come up with the right strategies for your project. Below, you will find information on a selection of our key advisory areas.

Emissions control law

One of our key activities is to provide support in approval and amendment approval procedures under emissions control law for industrial facilities. In addition, we also have extensive specialist knowledge in the area of power plant construction. With us, you will receive all-round support – from the legal conception of the project, through the drafting of application documents and assistance with the approval procedure, right up to the subsequent representation in court.

Building and sectoral planning law

Building and sectoral planning law play a decisive role in many projects. We advise and represent both municipalities and property owners during urban development planning procedures and building permit procedures as well as in the conclusion of urban development contracts. In addition, we provide sectoral planning law advice for infrastructure projects.

Soil conservation and contamination law

We represent authorities and affected property owners in connection with the remediation of contaminated soil and sites. Key areas include advice on the conclusion of remediation agreements and issues relating to disturbance compensation ("*Störerausgleich*").

Water and wastewater law

We also offer advice in the area of water and wastewater law: whether it's authorisation, approval or plan approval procedures under water law for water and wastewater systems, we are at your disposal.

Waste law

We offer comprehensive assistance and advice in areas ranging from approval procedures for waste disposal facilities and permits for the transportation of hazardous waste right up to issues relating to the German Packaging



Ordinance ("Verpackungsverordnung – VerpackV"), covering all procedures and topics under waste law – including in connection with product recalls.

Nature conservation law

Nature conservation law is playing an ever greater and more decisive role regarding the approval of industrial and infrastructure projects – not only because of the fact that nature conservation associations have standing to sue but also because of the increasingly restrictive court rulings in this area. This applies in particular in view of the protection of nature reserves and animal species required under the Habitats Directive. We offer comprehensive legal advice both in the field of facility approval procedures as well as in the area of sectoral planning law to take account of the ongoing legislative developments in this area.

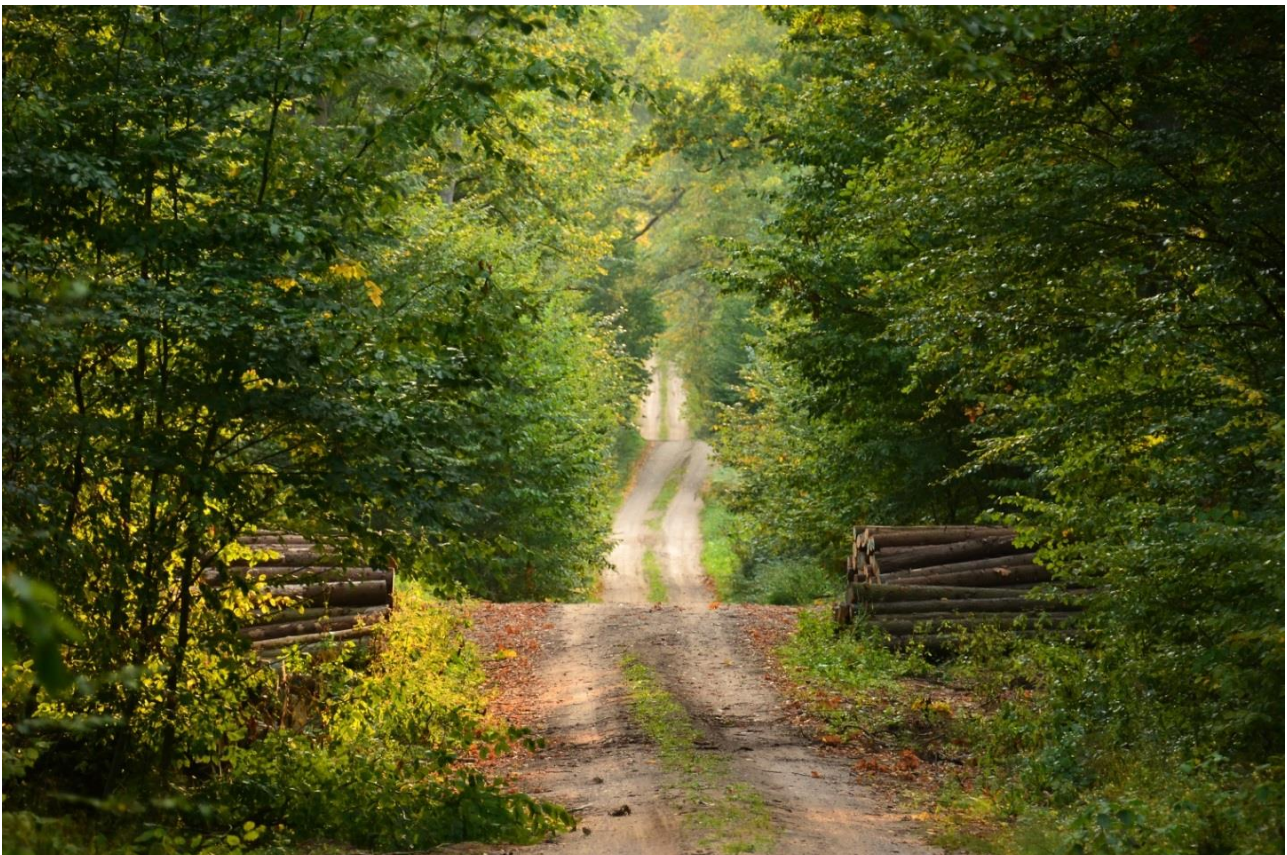
Chemicals law (REACH compliance)

We can assist you with our legal expertise regarding legal issues relating to the topic of REACH

compliance, which is becoming ever more important.

Other key advisory areas

- Nuclear and radiation protection law
- Mining and excavation law
- Plan approval for motorways
- Planning and building of electrical power lines
- Hydraulic fracturing (fracking)
- Environment, health and safety (EHS); environmental management and environmental auditing
- Environmental impact studies



Representative experience

Our expertise



STEAG

Advice in relation to the approval of the construction of a gas and steam power plant in Herne in the context of all environmental law and planning law issues during the approval process; especially in the scope of the environmental impact assessment, questions on water law and requirements of the federal emission protection law.



IOI Oleo GmbH

Advice on various chemical law issues under the REACH Regulation.



Ministry for Climate Protection, Environment, Agriculture, Conservation and Consumer Protection of the State of North Rhine-Westphalia

Advice and provision of expert reports in connection with the Second Law for the Amendment of the Hunting Law in North Rhine-Westphalia ("*Zweites Gesetz zur Änderung des Landesjagdgesetzes Nordrhein-Westfalen*") and on the amendment of other regulations (Ecological Hunting Law ("*Ökologisches Jagdgesetz*").



Several world-leading companies from the automotive industry

Advice on site-related issues of environmental law, in particular environmental protection, water and waste law, as well as issues of global environmental compliance.



3M Deutschland GmbH

Advising in connection with chemicals law (REACH and POP regulation) and waste law with regard to PFOA-relevant production processes as part of a large-scale, worldwide environmental compliance audit.



Zinc Internacional SA

Advising on the acquisition of the zinc division of Harz Metall GmbH in Goslar and on environmental law issues in connection with the acquisition. The company is a leading European zinc recycling company and filed for insolvency in May 2020 due to the effects of the Corona pandemic, which led to a sharp drop in zinc prices.



Harry-Brot GmbH

Monitoring of a modification approval procedure in accordance with the Federal Immission Control Act (BImSchG) for the commissioning of a new baking line in Ratingen. Particular challenges were posed by questions of application of the TA noise and the odor immission guidelines in mixed sites.



OMV

Environmental consulting for the sale of 285 service stations in Germany and Austria.



Gelsenwasser AG

Consultation on the new North Rhine-Westphalia State Water Act and the priority it gives to drinking water supplies in cases of shortage.



Honeywell

Support for the remediation of contaminated sites in Germany, the worldwide inspection of sites for compliance with environmental legislation.



Autobahn Tank & Rast GmbH

Comprehensive advice in public commercial law, in particular environmental and planning law in project development, e.g. in the realization of car yards, BAST research project; immis-sion protection law in LPG plants.



Kiepe Electric GmbH

Advice on environmental issues.



Konzern Versicherungskammer

Advising Versicherungskammer, Germany's largest public insurer, on the acquisition of Ferngas Group.



Daher

Environmental advice on the signing of an agreement for the acquisition of Daher's German nuclear activities (Daher Nuclear Technologies GmbH - "DNT") and its North American subsidiary (TLI Inc. - "TLI") by Orano Nuclear Packages and Services ("Orano NPS").



Several world leading companies from the chemical industry

Advising on various aspects of real estate and environmental law including the acquisition of Viter-ra Development.



A federal ministry

Comprehensive advice for a federal ministry on building and emissions control law in connection with a major privatization project.



Leading US Investment Bank

Advice on conducting energy audits in accordance with the EU Energy Efficiency Directive.



An international franchise

Advising an international franchise in connection with the provisions of the European Timber Regulation and the German Timber Trade Protection Act ("*Holzhandelssicherungsgesetz* – *HolzSiG*").



Smurfit Kappa Deutschland

Advice on issues relating to water law.



AKASOL AG

Advice on environmental law in relation with their IPO in the regulated market (Prime Standard) of the Frankfurt Stock Exchange.

Our Team



Prof. Dr. Thomas Dünchheim

Partner, Düsseldorf

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"Particularly praised is the 'pragmatic' Thomas Dünchheim in Düsseldorf, who has 'tremendous expertise in public law and communal structures' as well as a 'sensitivity in situational analysis for the development of effective solutions'." (Legal 500 Germany, 2018)

Thomas Dünchheim is the "Go to - Lawyer" for legal questions relating to municipal enterprises, public bank institutions or state-related transactions. He has more than ten years' experience in the area of public law, especially public commercial law, municipal law, environmental law and construction law.

Thomas was appointed as the Office Managing Partner of the firm's Düsseldorf office on January 1, 2016. He is Head of Global Regulatory Germany, a member of the Global Policy Advocacy Initiative and the Environmental Law Group of our law firm.

Thomas holds a diploma in public administration (Diplom-Verwaltungswirt) and studied law at the University of Cologne from 1994 to 1999. From 1999 to 2009, Thomas was mayor of the city of Monheim and headed the Legal Department, the Departments Human Resources and Administration, Urban Planning and for the promotion of Trade and Industry Departments. Since 2016 he is Professor for Constitutional and Public Commercial Law at the EBS University in Wiesbaden.



Dr. Norbert Heier

Partner, Hamburg

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norbert.heier@hoganlovells.com

With a solid reputation in the market as a solution-oriented and pragmatic adviser and a fair negotiating partner, Norbert Heier advises on all issues of real estate law. He is mainly active in the areas of project development and real estate transactions. Norbert has an excellent national and international network of contacts inside and outside our firm. Residential, office or special properties such as nursing homes, sports facilities of all sizes or shopping centres, are some of the fields Norbert has distinguished experience and a wealth of knowledge in.

He also advises clients on questions relating to public and private building law or real estate M&A, such as open- and closed-ended funds, banks, capital investment companies or government bodies. In addition, Norbert also supervises and coordinates international portfolio transactions and advises on infrastructure and urban development agreements. Before working as a lawyer, Norbert obtained a degree as "Diplom-Verwaltungswirt" and worked at the Hamburg Department of Economy and the Department of Finance for several years.

**Dr. Alexander Koch**

Partner, Hamburg

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Alexander Koch supports you in mergers, acquisitions and other transactions with an emphasis on highly regulated industries, including in particular the energy, aviation and defense sector. He regularly advises clients when they acquire or sell businesses or wish to establish a joint venture. He advises on the structuring of transactions, corporate reorganisations and on the relationships between shareholders, in particular in joint-venture projects.

In 2015 Alexander assisted the M&A legal department of Airbus Group in Toulouse for six months and acquired valuable industry sector knowledge. Alexander's practice comprises general corporate law and also regulatory matters beyond transactional advice, which is in particular true for energy law. He is a lecturer for energy law at the University of Applied Sciences of the Grisons.

**Bernhard Kuhn**

Partner/Notar, Frankfurt

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For more almost 30 years, Bernhard Kuhn has focused on real estate in all its variations, which includes: sales, purchase, leases, permits and licenses, environmental law and site decontamination, design and build contracts, along with litigation around these topics. Bernhard stands for a comprehensive one-stop approach for his clients' needs, avoiding unnecessary interfaces and enjoys working with engineers and architects.

With each new project, Bernhard first identifies the unique elements and interfaces, which distinguish a new project from all his previous jobs. Since admitted as Rechtsanwalt in early 1992, Bernhard has used his know-how and experience for the successful completion of a vast number of the firm's different projects: the construction, sale and purchase of office and logistics properties, hotels, airports, power plants, hospitals, water works, retail properties, German-law hereditary building rights and condominium ownership as well as wind farms in the German exclusive economic zone.



Dr. Sebastian Gräler

Counsel, Dusseldorf

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"Highly committed and competent"

Legal 500 Germany, 2018

He has extensive experience in defending against regulatory investigations, conducting internal investigations, and advising on public and environmental law issues. He also assists clients in the design, implementation and evaluation of compliance management systems and has extensive experience in auditing companies, particularly in the area of environmental compliance. During a five-month secondment, he worked for the legal department of Volkswagen AG, advising on current issues relating to e-mobility.

He also assists clients in the design, implementation and evaluation of compliance management systems and has many years of experience in auditing companies, particularly in the area of environmental compliance.

During a five-month secondment, he worked for the legal department of Volkswagen AG and advised on current issues of e-mobility.

Sebastian Gräler studied at the Westfälische Wilhelms-Universität Münster and the University of Sheffield (UK) and also worked at the German Police University. He was honored for his outstanding performance in the First and Second State Law Examinations by the Friends of Law at the University of Münster and the State Government of North Rhine-Westphalia.

Further Team Members



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Market recognition

A selection of awards
and market recognition



The practice is among the market leaders in product-related environmental law, which is also due to its excellent contacts with the automotive industry and manufacturers of industrial and consumer goods, among others.

Often recommended: Prof. Dr. Thomas Dünchheim

Recommended law firm for Environment and Planning law

JUVE Handbook, 2021/22



'Hogan Lovells has an excellent reputation in public law, especially also in environmental and planning law. In our perception, the firm excels above all in delivering fast and practice-oriented advice of excellent quality.'

Often recommended: Prof. Dr. Thomas Dünchheim and Dr. Alexander Koch

Recommended law firm for Environment and Planning law

Legal500 Germany, 2022



Competitors, especially smaller firms, often have more cumbersome processes and we do not receive advice with the necessary speed. We can therefore recommend the firm without reservation.'

'The players brought into our processes by Hogan Lovells are characterized by a far above-average commitment coupled with an experienced exclusive expertise.'

Legal500 Germany, 2022



In general environmental law, the firm is increasingly being mandated by clients for the due diligence of transactions, especially when it comes to the acquisition of German assets from international companies. Here, the firm's international network of practices and offices is particularly noteworthy. Thomas Dünchheim at the Düsseldorf office heads the general environmental and planning law practice.

Legal 500 Germany, 2021



"The team has the ability to provide adequate capacities for processing complex issues in an uncomplicated and timely manner and achieves the best consulting results even under high time pressure," enthuses a client.

Chambers Europe, 2022



Another client says: "The team is characterised by a great deal of practical orientation and is able to respond quickly and purposefully to the needs of companies."

Chambers Europe, 2022

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Birmingham
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Colorado Springs
Denver
Dubai
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Hanoi
Ho Chi Minh City
Hong Kong
Houston
Jakarta*
Johannesburg
London
Los Angeles
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Mexico City
Miami
Milan
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*Our associated offices
Legal Services Center: Berlin

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