



Hogan  
Lovells

# Environmental Law in Germany

## Our Expertise

2023

## 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.

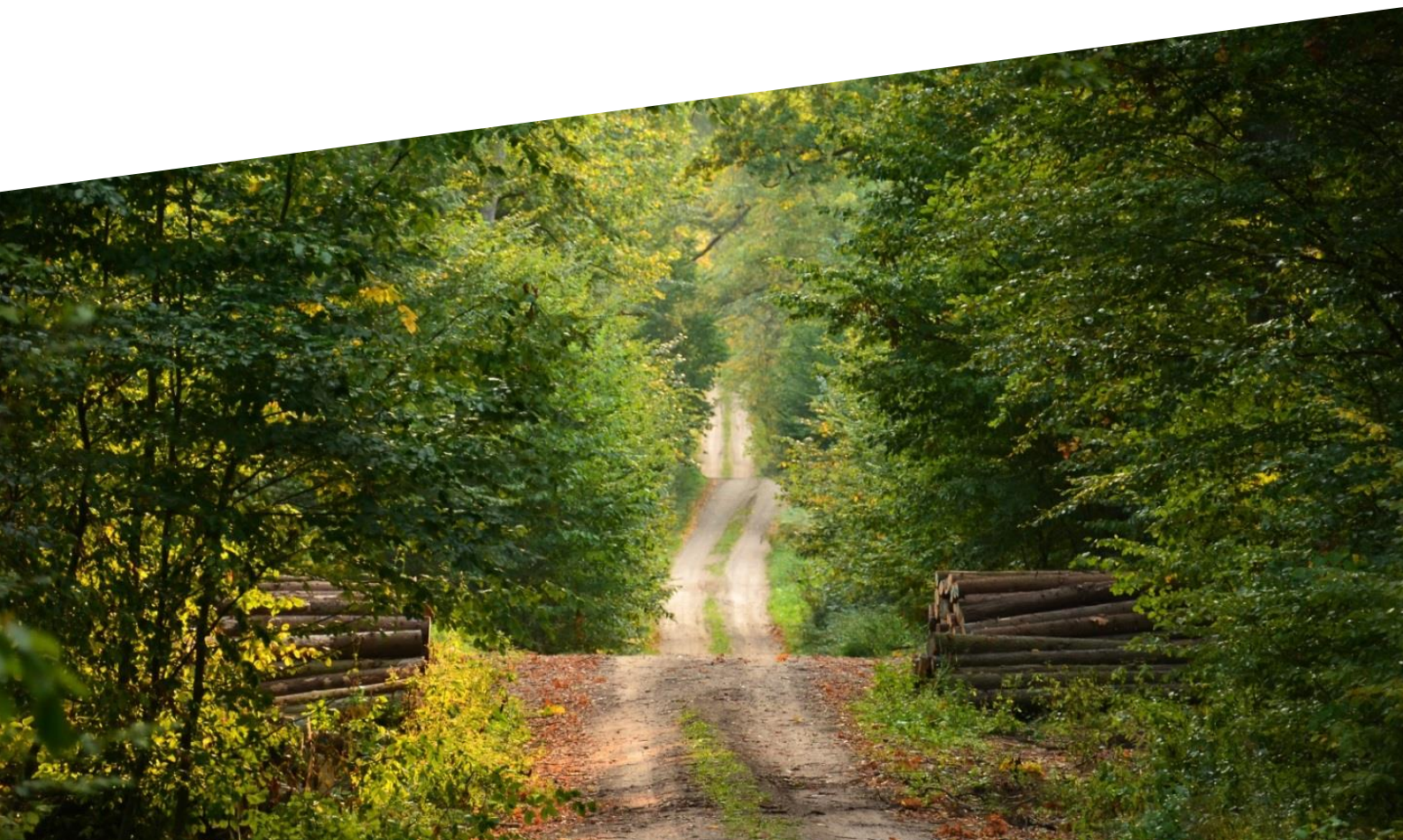
### *Chemicals law (REACH compliance)*

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

## Representative experience

### Our expertise



#### AMG Advanced Metallurgical Group N.V.

Advising on German environmental aspects in connection with a 25% stake in Zinnwald Lithium Plc, a UK supplier of battery grade lithium hydroxide.



#### 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.



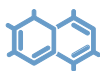
#### Several companies

Advising on ESG compliance, in particular on the ongoing implementation of the requirements of the Supply Chain Sourcing Obligations Act into corporate compliance.



#### German car manufacturer

Advice on environmental compliance issues in connection with a recycling project of end-of-life vehicles.



#### Plastics and chemical companies

in the context of the recent PFAS restriction proposal submitted by five Member States and published by the European Chemicals Agency on 7 February 2023.



#### Leading global automotive manufacturer

Advising on global ESG compliance, including compliance requirements under the German Supply Chain Sourcing Obligations Act and the EU Commission's proposal for the Corporate Sustainability Due Diligence Directive.



#### Several leading global companies from the automotive industry

Advising on site-related issues of environmental law, in particular immission control, water and waste law, as well as issues of global environmental compliance.



#### 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; immission 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 Viterra 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 ("*Holzhandels-Sicherungs-Gesetz* – *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.



An aerial photograph of a beach with waves crashing onto the shore. The water is a deep blue, and the sand is a light tan color. The waves are white and foamy as they break. A dark blue triangular shape is in the bottom left corner.

# Our Team

## Our Team



### Prof. Dr. Thomas Dünchheim

Partner, Düsseldorf

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"Professional & constructive", client;  
"thinks strategically", competitor.

*JUVE Handbook, 2022/23*

"Thomas Dünchheim and his team deserve special mention. He is absolutely service-oriented and the personal contact is very friendly and pleasant."

*Legal 500 Germany, 2023*

"Thomas Dünchheim: Approachable at all times and provides practical solutions."

*Legal 500 Germany, 2023*

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

Thomas is Head of Global Regulatory & IPMT EMEA, Head of the Hogan Lovells International Gaming Initiative and the Environmental Law Group of our law firm. He was the Office Managing Partner of the firm's Düsseldorf office from 2016 to 2019. 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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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



**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**

Partner, Dusseldorf

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Sebastian Gräler 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.

**Christian Ritz**

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Christian Ritz advises clients on complex issues of German and European antitrust law, in global regulatory proceedings as well as in the conduct of internal corporate investigations and on issues of global compliance systems. Clients describe Christian Ritz as follows: "Very broad experience coupled with high pragmatism and extreme solution orientation." (*Legal 500 Germany, 2022*)

He regularly advises on the development, set-up and implementation of global compliance management systems and compliance processes, in particular on compliance with global ESG requirements and supply chain due diligence with a particular focus on the German Supply Chain Due Diligence Act.

Christian Ritz is an active member of Hogan Lovells' global ESG group and "Business & Human Rights" group.



## Further Team Members



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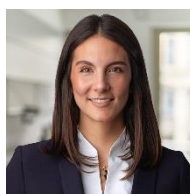
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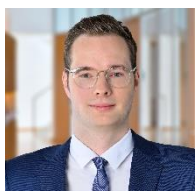
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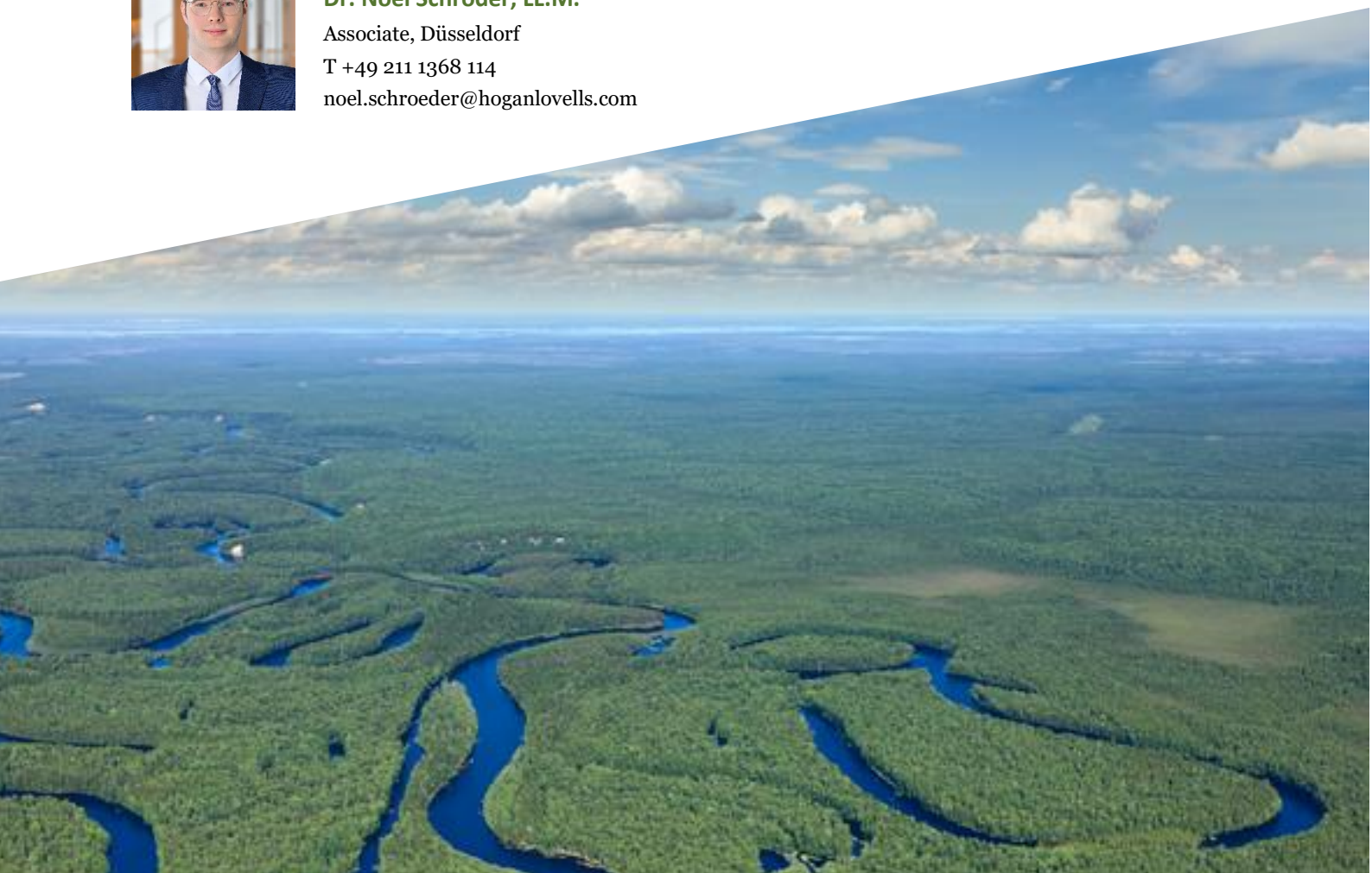
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Market  
recognition



## Market recognition

A selection of awards  
and market recognition



The small team has broad knowledge of public commercial law, which is in demand in transactions and especially in compliance mandates. [...] The repertoire also includes environmental and planning law, e.g. when it comes to the remediation of contaminated sites in the context of new construction projects, but also with reference to waste law, often combined with financing issues.

Often recommended: Prof. Dr. Thomas Dünchheim

*JUVE Handbook, 2022/23*



Hogan Lovells International LLP's environmental and planning team is regularly consulted by national and international companies and by the regulated sectors of automotive, chemicals, energy, water, infrastructure and utilities on plant construction issues, disputes and licensing and planning approval procedures. The team is also active in transactions, advising on environmental due diligence and the sale and purchase of chemical parks, industrial plants, energy and infrastructure companies.

*Legal 500, 2023*



The special quality of the firm and the team is the interdisciplinary networking, which is particularly necessary in complex transactions, with the other required areas of law, such as in particular corporate law or labour law. The firm is very broadly positioned in this respect and the team around Prof. Dünchheim has played a major role in coordinating the different areas.

*Legal 500, 2023*



The interaction is always polite, professional and business-oriented. They respond to the specific order and process it quickly and perfectly. The idea of service is very important. As far as fees are concerned, they are flexible and will adapt if necessary. In any case, practical results are achieved and, if necessary, supplemented.

*Legal 500, 2023*



Notable practitioners:  
Thomas Dünchheim

"They provide quick responses and are available at any time." – client

*Chambers Europe, 2023*



The international law firm Hogan Lovells houses a respected public law practice. Furthermore, Hogan Lovells advises on water and chemicals law issues as well as planning procedures, where the team acts for well-known corporates.

*Chambers Europe, 2023*

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\*Our associated offices  
Legal Services Center: Berlin

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