



Environmental Law in Germany *Our Expertise*

April 2019

**Hogan
Lovells**

juve
HANDBUCH
2018|2019

**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.



nance ("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.

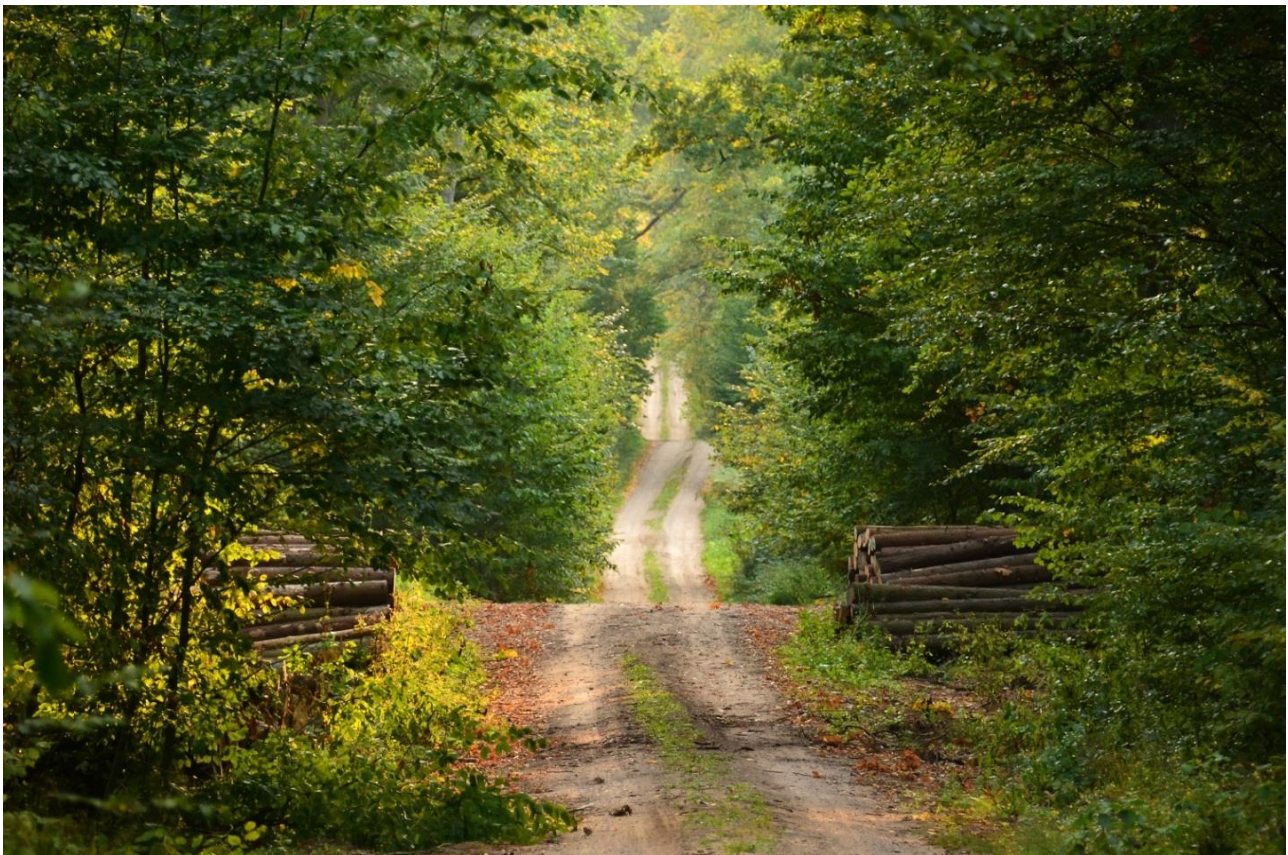
Chemicals law (REACH compliance)

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.



A leading European company in the area of metal recycling

Advice in connection with the decommissioning of facilities, demolition and remediation obligations as well as the approval of new facilities under the German Emissions Control Act.



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*").



ALD Vacuum Technologies GmbH

Advice in connection with emission control law.



3M Deutschland GmbH

Advice on building, planning and environmental law in connection with the development and expansion of a chemical park



IMR Innovative Metallrecycling GmbH

Advice on the approval procedure under the German Emissions Control Act and on questions relating to building and sectoral planning law.



Baden-Württemberg association of administrative districts ("*Landkreistag*")

Advice on the reorganisation of the state forestry administration with regard to questions relating to the marketing of round timber



IMS-Messsysteme GmbH

Due diligence with regard to environmental and soil conservation law in connection with the sale of industrial sites.



China Development Bank

Preparation of a legal opinion on the subject of environmental and public law.



EDF

Providing ongoing advice on the acquisition of the German sites of a French energy group (planning, manufacture and maintenance of nuclear power plants as well as fuel element production).



Mitsubishi Corporation

Advice on environmental law in connection with the acquisition of interests in the offshore high-voltage power line projects Borwin 1, Borwin 2, HelWin2 and DolWin2 of TenneT.



Philips Lighting GmbH

Advice on public law in connection with the sale of the OLED division to OLEDWorks and in connection with the new German Electrical and Electronic Equipment Act ("*Elektrogesetz – ElektroG*") in Germany.



Veolia Umweltservice GmbH

Preparation of a legal opinion on the regulatory effects of the new German Closed Substance Cycle Act ("*Kreislaufwirtschaftsgesetz – KrWG*").



Wildauer Schmiedewerke GmbH

Advice on all questions of public law and environmental law.



Terra Firma Capital Partners

Advice 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 privatisation project.



An MDAX company

Advising an MDAX company in connection with the REACH Regulation.



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

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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. Steffen Schleiden

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Dr. Steffen Schleiden has more than eight years' experience in public law. Beside his comprehensive expertise in construction planning law, whereby he accompanies complex land-use plan procedures with EIA impact, he is also highly experienced in sectoral planning law. Here he advises project developers and third parties in plan approval procedures.

Steffen worked as a research assistant at the Institute for Environmental and Technology Law after completing his studies. He earned his doctorate with his thesis on legal questions of air route determination.

**Dr. Sebastian Gräler**

Associate, Düsseldorf

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"Highly committed and competent" (Legal 500 Deutschland, 2018)

Dr. Sebastian Gräler advises companies and the public sector on all aspects of environmental law. He represents his clients in administrative proceedings and legal disputes in all instances. Based on his longstanding political activities Sebastian has a wide experience with public authorities and decision makers. Furthermore he has many years of experience as committee member in municipal companies.

Sebastian studied law at the Westfälische Wilhelms-University of Munster and University of Sheffield (UK). At the same time, he worked for the Graduate School of the German Police in the public law sector. Following his studies Sebastian worked in the litigation practice of our firm. During his legal training with the Higher Regional Court Hamm, he also worked at the Federal Cartel Authority as well as in our Dusseldorf and New York City offices. For his outstanding achievements in the First and Second State Exam he was awarded by the Friends of the Jurisprudence at the University of Munster and the Government of North-Rhine Westphalia.

Sebastian is visiting lecturer for European and international business law at the University of Wuppertal.

**Ines Daniela Mittermeier**

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Ines Mittermeier studied law at the Westfaelische Wilhelms-University in Munster. After her studies Ms. Mittermeier worked as a research assistant in a law firm with a focus on public law.

During her legal clerkship at the She gained further experience in environmental and planning law at the Higher Regional Court in Hamm. For her outstanding achievements at the First State Examination she was awarded by the Friends of the Jurisprudence at the University of Muenster.

Market recognition

A selection of awards
and market recognition



With a focus on plant construction, the practice is now involved in numerous complex mandates. The law firm is also very present in product-related environmental law.

Strengths: Strong connection to US regulatory practice.

Often recommended: Prof. Dr. Thomas Dünchheim "

JUVE Handbuch, 2018



Sources emphasize the team's quality and ability to understand the client's needs, saying: "All of the lawyers are technically very good, quickly grasp our issues and are always solution-oriented with their answers. In negotiations they are very skillful." A client marks their appreciation, saying: "I get an answer very quickly and the lawyers are truly pragmatic." The head of public law is recommended: Thomas Dünchheim is a key player in this area."

Chambers Europe, 2018



Clients are 'extremely satisfied with the work' of the 'reliable and competent' practice at Hogan Lovells International LLP, which is particularly marked by its 'timely processing, excellent availability and practical approach'; the 'adequate breadth of the group' is also valued.

Legal 500, 2018



The advice given by Hogan Lovells International LLP is "in a nutshell and demonstrates in-depth understanding". In Düsseldorf, Thomas Dünchheim is especially recognized in municipal law and political consulting. The public lawyer Thomas Dünchheim is considered a "very good networker, self-initiative and bustling".

Legal 500, 2017



"A client is enthusiastic about the willingness to offer a quick and at the same time profound economic opinion: The lawyers also offer comprehensive advice at short notice."

Chambers Europe, 2017



A client praises the "incredible technical competence and the excellent communication of the lawyers."

Chambers Europe, 2017

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