



# **ADVANT** Altana

**Your European advantage**



**Our Renewable  
Energy practice**



[www.advant-altana.com/](http://www.advant-altana.com/)

# OUR GUIDANCE

## (Brown & Green Field)

**1**

### PROJECT DESIGN AND DEVELOPMENT PHASE

- Land tenure rights
- Permits
- Environment
- Construction
- Subsidies
- Network access

**2**

### OPERATING PHASE

- Construction litigation
- Neighborhood nuisance
- General litigation
- Risk prevention

**3**

### SHARE CAPITAL OPENING / DISPOSALS / CO-DEVELOPMENT PHASE

- Share Capital opening
- Disposals
- Competition law





## 1. PROJECT DESIGN AND DEVELOPMENT PHASE



### LAND TENURE RIGHTS

- Securing land tenure rights allowing long-term occupancy by the energy producer (wind turbines, photovoltaic and thermal solar panels, etc.)
- Land acquisition (pre-acquisition audit, implementation of preliminary contracts, deeds of sale)
- Execution of long-term leases granting real rights (drafting or review of preliminary contracts and leases: long-term lease and construction lease)
- Establishment of easements (subsoil, surface, overhang easements)
- Drafting and negotiation of the concession agreement



## PERMITS & ENVIRONMENT

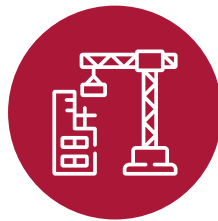
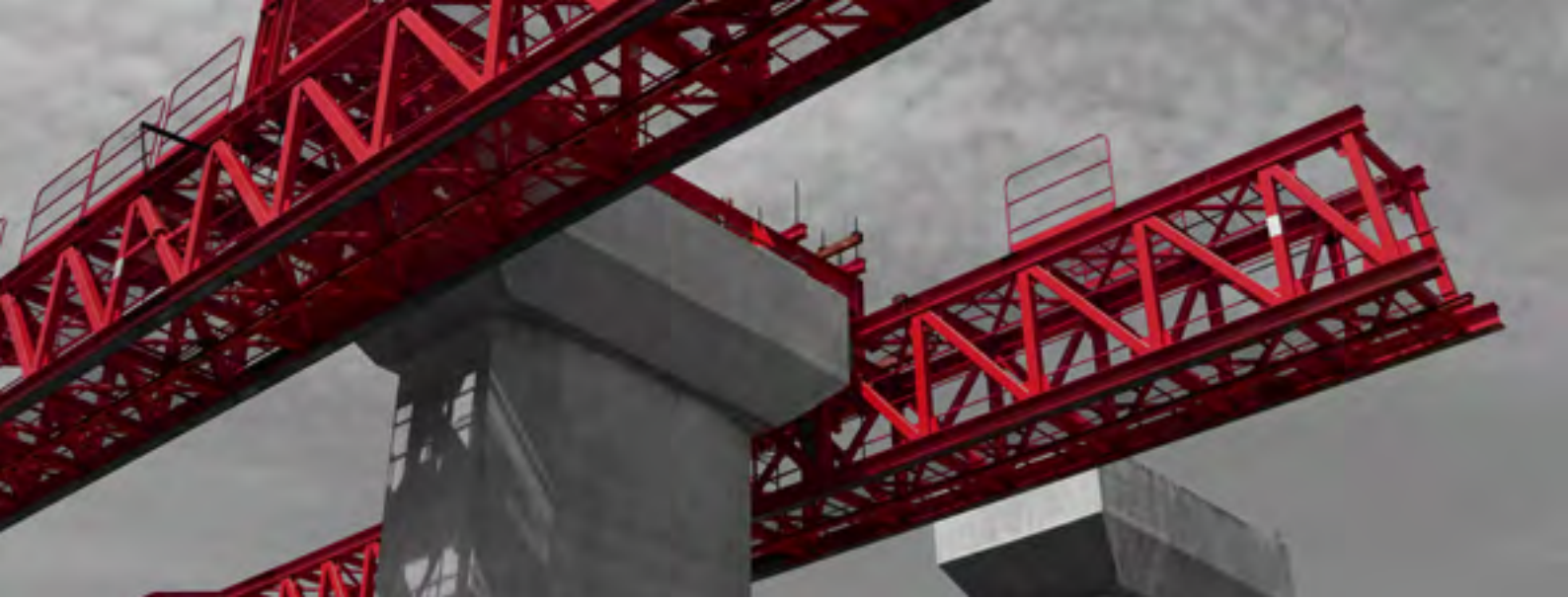
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### **During project development:**

- Upstream assistance in the development of your projects in terms of regulations, and downstream assistance in the event of litigation
  - Verification of the compliance of the design with the town planning law
  - Validity (particularly temporal) of pre-existing authorisations
  - Exchanges with administrative authorities to request a modification of town planning law
  - Compliance with town planning law
  - Audit of permit application
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### **During the implementation phase of the construction works:**

- Feasibility analysis: assistance in the context of ICPE [Installation classified for the protection of the environment], IOTA [facilities, structures, works and activities with an impact on water and aquatic environments] or fauna/flora issues
- Assistance with the preparation of files
- Litigation management



# CONSTRUCTION

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## **When drawing up works contracts:**

- Review of risk matrices
  - Drafting and negotiation of contracts (Fidic or other models, Design & Build, EPC, EPCM)
  - Review of existing contract templates and update
  - Assistance in the review and development of all types of supplier contracts (framework agreements, GPC, etc.)
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## **During the execution phase of the works:**

- Litigation relating to the execution phase of the works that may arise between the various parties involved in the project
- Drafting of project modifications (amendments)
- Management of issues resulting from additional costs or schedule delays
- Management of any claims





## SUBSIDIES/STATE AID

- Assistance in connection with the granting of investment aid (tax exemption measures) or operating aid (prices and purchase conditions of electricity produced)
- Analysis of the qualification of the aid and the related risk (incompatibility of the aid, risk of repayment) and the impact of the risk on the valuation of the project
- Assistance with the preparation and submission of complaints to the European Commission

## 2. OPERATIONAL PHASE



### LITIGATION

- Litigation with builders (contractual liability, financial claims, ten-year warranty, guarantee of perfect completion)
- Litigation relating to neighborhood nuisances
- Assistance with litigation initiated before the court judge, both by local residents and by associations
- General litigation during the operating phase of the projects, including:
  - Litigation related to the supply of defective equipment and/or claims occurring on the site
  - Litigation with service providers and suppliers
  - Post-acquisition litigation (liability guarantee, fraud, etc.)
  - Disputes between shareholders relating to JV governance
  - Management of situations of financial default of partners and service providers



## RISK PREVENTION

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- Project-related CSR audits: applicable laws, review of ESG criteria, supply chain analysis and compliance with applicable CSR policies
- Compliance with anti-corruption rules (Sapin II Law with risk mapping, an ethical charter and vigilance plans)
- Assistance with security issues in case of work in high-risk countries (repatriation, site security)
- Analysis of health and safety standards applicable to the project
- Assistance in the event of administrative review or flagrante delicto / preliminary / instruction investigations
- Representation in criminal litigation before the administrative authorities or before Civil and Criminal Courts
- Crisis management





### 3. SHARE CAPITAL OPENING / STRATEGIC PARTNERSHIPS / DISPOSALS PHASE



## STRATEGIC PARTNERS

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- Acquisition of a majority or minority stake by industrial partners or investment funds specialized in the sector
- Structuring of the shareholder relationship and governance
- Setting up of strategic partnership and joint venture agreements with industrial or financial partners

## ACQUISITIONS/DISPOSALS

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- Disposal or acquisition of portfolios of project companies (*brown eld* and *green eld*)
- Management of all stages of the change of control process, from due diligence to closing, in collaboration with financial and technical experts
- Management of post-closing litigation (liability claims for breach of representations and warranties, etc.)



## COMPETITION LAW

- Assistance in all commercial and contractual activities, in particular with a view to preventing cartels and abuses of a dominant position or economic dependence
- Assistance in anticipating competition risk (financial and reputational)
- Assistance at all stages of investigations by the French and European competition authorities, as well as in the context of non-litigious sectoral investigations
- Assistance in dealing with competition aspects specific to the design and negotiation of strategic contractual and industrial partnerships
- Assistance in the context of the impact of merger control on external growth transactions

# OUR RENEWABLE ENERGY PRACTICE

## ADVANT

**ADVANT** is a European law firm association, founded in 2021 by three founding member firms – Altana in France, Beiten Burkhardt in Germany and Nctm in Italy.

**+600**

LAWYERS

**+140**

AS PARTNERS  
WITH CAPITAL

**13**

LOCATIONS

## VALUES

Our firm is based on three core values:



### TRUST

Building a daily relationship of trust with our clients on their strategic issues



### EXCELLENCE

Providing a high level of service that meets the highest international standards



### EFFECTIVENESS

Optimising the use of technological tools for the success of our clients



An aerial photograph of a large array of solar panels installed on a red-tiled roof. The panels are arranged in neat rows, and the perspective is from a high angle, looking down at the panels. The background is a clear, light sky.

# ADVANT Altana

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