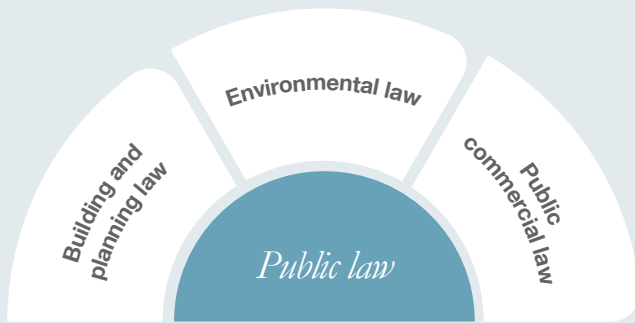


ALLEN & OVERY

Our Practice Group Public Law

Allen & Overy in Germany

2019



Public law

The dynamic developments which both the economy and society are currently experiencing mean in turn that the regulatory framework in which companies, banks and investors, as well as governmental agencies and local public authorities, operate is changing at an ever increasing pace. The German government's efforts to transform the supply of the energy market (Energiewende), the impact of digitalisation on all business models, new mobility concepts, demographic change, Brexit and the stricter requirements placed on the quality of administrative and participation procedures are just some factors on which the lawyers at Allen & Overy work together with companies from a broad range of industries on a daily basis, providing competent, legally sound, pragmatic and swift advice in local, national or international contexts.

We ensure that our clients are aware of the interplay between the various levels of legislation, each following its own, entirely independent legislative approach, in terms of *public international*, EU, federal, state and local law and bring together the legal evaluation of issues from the contrasting perspectives of various jurisdictions across the world.

Our qualified lawyers have been working in a highly specialised way for many years, a significant proportion have gathered practical experience in public administration and

some have also gained a specialist qualification for German administrative law. The long-standing, deep-rooted integration in Allen & Overy's German and *global networks* means that the team is perfectly equipped to tackle complex projects which are often characterised by the numerous interfaces with other practice groups, such as *Employment & Benefits, Data Protection, Intellectual Property, Corporate/M&A, Real Estate, Antitrust* and *Dispute Resolution*.

Our legal expertise, combined with sector- and market-specific knowledge, supports decision-makers in both the private and public sectors. Our clients often benefit in particular from our wealth of experience in negotiating contractual agreements which strike a balance between public and private interests. In case of conflicts, we can represent you before the relevant courts of law right up to constitutional and European courts, as well as in proceedings before arbitral tribunals or other judicial panels.

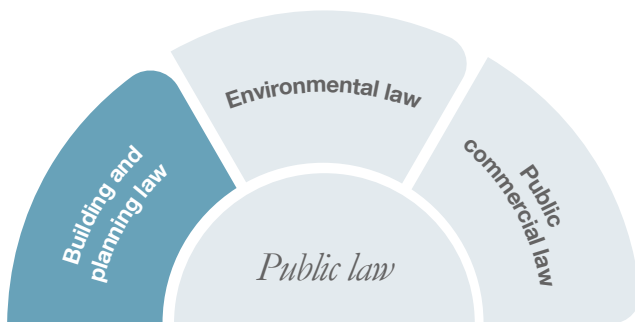
Through our involvement in legal associations and various bodies, regular lectures and publications, we are repeatedly presented with the opportunity to analyse the latest developments in a broader scope beyond one to one application and the exclusively legal context and to make our contribution to the general discussion.

“The frequently recommended team has an impressive client base.”

JUVE 2017/2018: Public Sector

“The focus lies on construction, infrastructure and transport as well as energy.”

Legal 500 2018: Public Law



Building and planning law

Public building and planning law represents one of our team's core competences. We advise on project developments across the entire scope of modern residential forms, in the retail sector, which is currently undergoing a sea-change, and in the field of commercial property from the planning stage, through the securing of building permits and approval proceedings, right up to the official opening and commissioning, irrespective of whether the project is on a green-field site, involves the conversion of existing buildings or is located in an urban context.

The tight coordination of various types of use in terms of both space and function is a challenge which must be mastered in each individual case while taking account of the most diverse legal requirements. We are familiar with particular local requirements, such as the Regional Land-Use Plan for Frankfurt and the Rhine Main area, as well as with sector-specific provisions, for planning and building motorways and the corresponding ancillary operations, for instance, or usage restrictions under industrial accidents law, such as the Seveso III Directive.

“Additionally active on urban planning matters concerning land redevelopment, often appearing in administrative proceedings.”

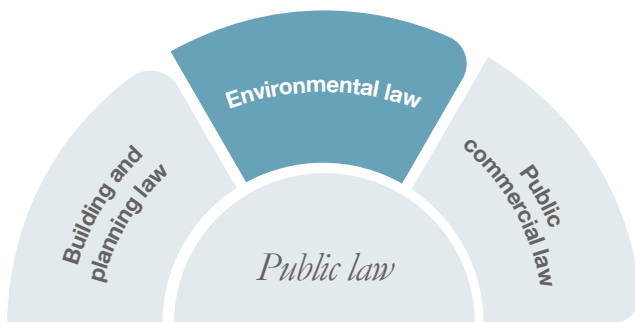
Chambers Europe 2017: Public Law

Issues relating to the relevant state building codes and heritage conservation laws are often of particular significance. Increasing emphasis is also being placed at local-authority level on the redevelopment and conservation of existing buildings and sites, as well as the other instruments for redevelopment and improvement provided for of the German Building Code (*Baugesetzbuch*); through our broad range of work for local authorities, we also have experience in structuring the relevant legal framework.

The close coordination between our Public Law practice group and our *public procurement expertise* means that we are a leading service provider for investor selection procedures in the context of urban development projects or projects for (re-)developing certain elements of the social infrastructure, such as town halls, libraries, stadiums and swimming pools.

“Highly experienced in the transport sector and large urban development projects.”

JUVE 2017/2018: Public sector



Environmental law

For many years now, numerous legislative approaches for protecting the environment have been adopted that go substantially beyond the simple granting or revoking of permits. Permits themselves – the granting of them, their maintenance on the sale or restructuring of a company and the consequences of their revocation – nevertheless play a very significant role for our clients. Our expertise covers the entire spectrum of *environmental legislation*, including the German Federal Immission Control Act (*Bundesimmissionsschutzgesetz*) and legal requirements relating to water supply and wastewater removal.

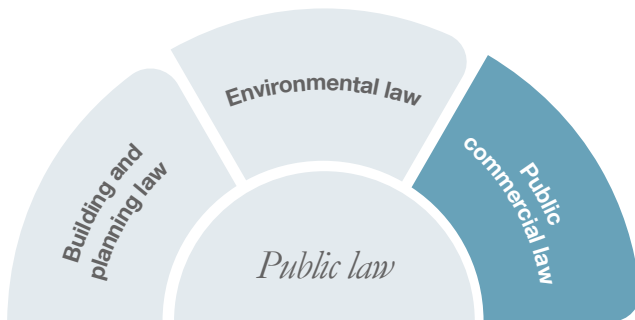
We also advise on liability risks and renovation requirements relating to *existing contamination* in the soil, groundwater or buildings.

Today, *chemicals law* is predominantly governed at EU level, via the REACH, CLP and Biocidal Products Regulations, for instance.

Having advised leading waste-disposal and recycling companies, among others, we have also gained expertise in *recycling law*, which is equally increasingly being centralised at EU level.

Ultimately, environmental law plays a key role in *climate protection* and the *Energiewende*. We are, for instance, currently closely involved in issues relating to the *trading of emission certificates*, *mining* and *nuclear law*, as well as legal questions relating to all aspects of the German Renewable Energy Sources Act (*Erneuerbare-Energien-Gesetz*).





Public commercial law

In our practice, public law predominantly concerns public commercial law. After all, commercial activities are not only subject to regulations and permit requirements under *building* or *environmental law*. Sector-specific frameworks on which we regularly advise draw, for instance, on the German Public Transportation Act (*Personenbeförderungsgesetz*) and the General Railways Act (*Allgemeines Eisenbahngesetz*) in the *transport sector*, the requirements relating to *product security* and *product liability* for the manufacturing industry and the multitude of legal provisions in the *field of healthcare*.

Government support and subsidies for commercial activities have traditionally formed a core topic for many of our clients. We advise on the EU *ban on state aid*, with the aim, for instance, of avoiding the risk of legal transactions being rendered void, of the European Commission intervening or of competitor claims being raised. Our close integration with the *public procurement team* is particularly valuable when issues such as the risk of state aid being recalled due to breaches of public procurement law are at stake. The ban on state aid can also require that competitive bidding procedures are executed which, although they are not

subject to public procurement law, can benefit from our legal expertise in this field, as can questions relating to the granting of concessions in the *energy sector*.

Recent political developments have brought *foreign trade law* increasingly back into the spotlight. We can advise on the latest *sanctions* and can draw on our global network to respond to related questions in other jurisdictions, such as US Secondary Sanctions, which are also important for German and European companies. We support foreign investors in investment review procedures in line with the German Foreign Trade and Payments Ordinance (*Außenwirtschaftsverordnung*).

Our clients benefit from the fact that we work closely with other practice groups. We also advise on specific constitutional questions which, for instance, are related to the requirements under collective *employment law* or the provisions governing working on Sundays and bank holidays under the German Working Hours Act (*Arbeitszeitgesetz*).

Listed in “Best Lawyers in Germany 2017”, Public Commercial Law, Hesse

Best Lawyers®/Handelsblatt
(Dr Olaf Otting)

Named as “individual of the next generation”

Legal 500 Deutschland : Public law
(Dr Udo Herbert Olgemöller)

Our team

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*“Allen & Overy LLP’s team
‘understands what matters’.”*

Legal 500 Deutschland 2017: Public law



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“Extremely fast response time and highly competent support.”

Client quote, JUVE 2016/2017: Public Sector

“a great team”, competitor

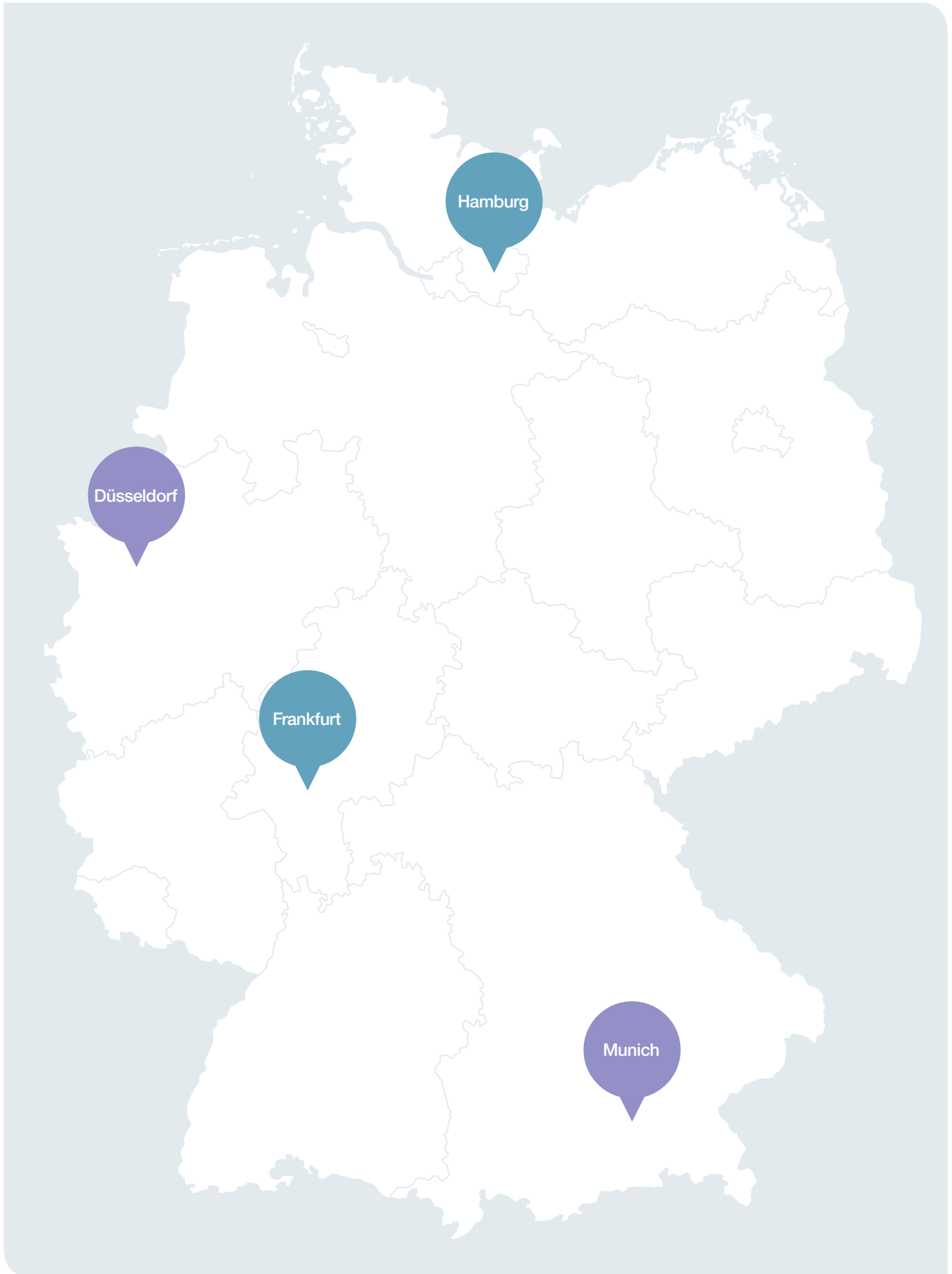
JUVE 2016/2017: Public Sector

“maintains a good overview in complicated structures”, competitor

JUVE 2015/2016: Public Sector

“Olaf Otting is a ‘great specialist and really good lawyer’, and enjoys a healthy reputation in the public procurement, PPPs and privatisation fields.”

Chambers Europe 2017: Public Law



Allen & Overy Germany

GENERAL INFORMATION

4

Offices

49

Partners

28

Counsel

420

People

220

Lawyers

2

Of Counsel

SECTORS



Automotive



Energy

Financial
Institutions

Real Estate

Infrastructure
and Transport

Life Sciences



Private Equity

Telecoms, Media
and Technology

Practices



Employment
and Benefits



Intellectual
Property



Public Law
and Public
Procurement Law



Corporate
Governance and
Compliance



Antitrust



Tax



Banking and
Finance

Capital
Markets

Restructuring
and Insolvency



Corporate/
M&A

Dispute
Resolution

Insurance

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GLOBAL PRESENCE

Allen & Overy is an international legal practice with approximately 5,500 people, including some 550 partners, working in 44 offices worldwide. Allen & Overy LLP or an affiliated undertaking has an office in each of:

Abu Dhabi	Bucharest (associated office)	Ho Chi Minh City	Moscow	Seoul
Amsterdam	Budapest	Hong Kong	Munich	Shanghai
Antwerp	Casablanca	Istanbul	New York	Singapore
Bangkok	Doha	Jakarta (associated office)	Paris	Sydney
Barcelona	Dubai	Johannesburg	Perth	Tokyo
Beijing	Düsseldorf	London	Prague	Warsaw
Belfast	Frankfurt	Luxembourg	Riyadh (cooperation office)	Washington, D.C.
Bratislava	Hamburg	Madrid	Rome	Yangon
Brussels	Hanoi	Milan	São Paulo	

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