



RENEWABLE ENERGY AND SUSTAINABILITY

Driven by environmental and climate change concerns, the last few years have been marked by an unprecedented increase in commercial, industrial and corporate commitments to renewable energy. As traditional fuel sources are diminishing, utility companies, commercial real estate developers, venture capitalists, equipment manufacturers and energy consumers are seeking alternative renewable energy solutions.

To achieve corporate sustainability goals and financial interests, companies require knowledgeable and experienced counsel to help minimize the risks associated with the purchase of renewable energy products and to navigate foreign environments, local governing laws and compliance obligations.

PRACTICE FOCUS AREAS

Our lawyers possess extensive experience in energy developments, regulation, corporate, project finance, environmental, construction and real estate matters to provide seamless, full-service legal support to clients in the renewable energy sector. Our objective is to help our clients from the pre-feasibility and planning stages, through public tender, licensing, start-up and implementation, as well as the operational stages:

- ▶ Legal feasibility studies on renewable energy projects, including solar, wind, water, biomass, heat recovery and biofuel power projects
- ▶ Securing land and lease agreements
- ▶ Public procurement, bidding and public-private partnerships (PPP)
- ▶ Licensing of renewable energy projects
- ▶ Securing environmental permits as part of an environmental compliance strategy
- ▶ Structuring investments to comply with corporate objectives
- ▶ Structuring various forms of financing for renewable energy projects, including project finance and private-public partnerships
- ▶ Engineering, procurement and construction of renewable energy projects and infrastructure
- ▶ Protecting and licensing intellectual property rights

REPRESENTATIVE MATTERS

- ▶ Advised Greencells Group, an EPC provider of turn-key solar PV power plants based in Germany, on the establishment of a commercial presence in Vietnam and implementing solar power projects there.
- ▶ Advised a foreign investor on the cross-border acquisition of two Solar Power Plants and a project company in Myanmar worth in excess of USD 500 million.
- ▶ Represented an Italian developer and private IPP operator concerning the regulatory framework and issues related to setting up a long-term joint venture, as well as implementation of solar power projects in Vietnam.



- ▶ Advised Prolignis Energie Consulting GmbH on the establishment of a project company to oversee its new biomass power plant project and to sell the plant's products to a large medical manufacturing facility in Vietnam.
- ▶ Supported and advised GIZ in connection with a project to work with the Ministry of Industry and Trade in Vietnam (MOIT) to introduce a legal framework for renewable energy projects in Vietnam.
- ▶ Advised on issues relating to a USD 20 million engineering, procurement and construction (EPC) contract for a hydroelectric power scheme in Laos for power off-take in Vietnam.
- ▶ Advised Sembcorp Utilities Limited as lead sponsors on the implementation of a 225MW gas-fired power plant on BOT basis in Myingyan, Myanmar, the first internationally tendered power project in the country and its biggest gas-fired power station to date.

ACCOLADES



- ▶ Advised a Dutch investor on two landfill methane-gas-recapture projects for fuelling nearby power plants in Hanoi and HCMC, Vietnam, respectively (CDM carbon-credits projects).
- ▶ Advised an international cooperation enterprise for sustainable development with regard to a wind energy and renewable energy project supported by the German Ministry of Environment (BMU) and conducted in cooperation with the Ministry of Industry and Trade in Vietnam, particularly in regard to the introduction of a new law promoting renewable energy projects in Vietnam.
- ▶ Advised a German subcontractor in relation to work on a hydropower project in Dai Ninh, Vietnam.
- ▶ Advised a major Japanese industrial and engineering corporation on licensing, negotiations and contracts for the first USD 70 million waste-to-energy power plant project in Vietnam.
- ▶ Represented EAB New Energy GmbH, one of the largest wind energy developing companies in Germany, concerning a Power Purchase Agreement for a wind power project in Vietnam, the "Mui Dinh wind project," with a total investment value of USD 100 million. The agreement signed with Vietnam Electricity Corporation (EVN) is the first of its kind for a privately financed wind power project in Vietnam.
- ▶ Advised a Japanese MNC on a farm waste methane-gas-recapture project for fuelling a nearby power plant near Ho Chi Minh City, Vietnam (CDM carbon-credits project).
- ▶ Acted for a Canada-based biodiesel company in connection with the development of bio-gas production and a distribution project in central Vietnam involving complex land and environment issues, careful investment incentives research, and local and international financing.
- ▶ Advised Intelligent Energy Holdings PLC, a UK-listed company, on the structuring and financing through Singapore of its hydrogen power project with GTL in India. The deal will power 27,400 of India's 425,000 phone masts using hydrogen fuel cell technology.
- ▶ Developed a set of standard PPAs and dispute resolution and enforcement regulations for the Vietnamese Electricity Regulatory Authority in anticipation of the start-up of Vietnam's competitive generation market.
- ▶ Acted for a German company in connection with its plans to construct and operate a municipal solid waste-to-energy facility in Vietnam with a total investment of approximately USD 500 million.

KEY CONTACTS

GILES T. COOPER, *Partner; Co-General Director*
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Giles T. Cooper practices in the areas of corporate and general commercial law with a focus on international law in Southeast Asia and has over a decade's experience helping foreign investors in Vietnam, particularly with major energy projects and construction, market entry, investment structuring, mergers and acquisitions, contract negotiation and employment law matters. Giles is listed as a recommended lawyer in the practice areas of "Corporate and M&A" and "Projects and Energy" by *The Legal 500 Asia Pacific 2017*.

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Manfred Otto is a New York qualified lawyer with a focus on renewable energy, water and waste projects and is Vice Chairman of the Green Growth Sector Committee of the European Chamber of Commerce advocating for private-sector investment in sustainable development. Based in Ho Chi Minh City, Manfred is head of the firm's Japan Practice in Vietnam and speaks fluent Japanese, English and German. Having lived in Asia for more than 15 years, Manfred has worked on major projects, disputes and investigations, and many of his clients are leading Japanese conglomerates who are active in Southeast Asia.

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Oliver Massmann focuses his practice on corporate international taxation, power/water projects, matters relating to oil and gas companies, telecoms, privatization and equitization, mergers and acquisitions, and general commercial matters for multinational clients in relation to investment in Vietnam. Oliver has been listed as a "Leading Lawyer" in Corporate and M&A in Vietnam by *The Legal 500 Asia Pacific* for the fifth consecutive year and is recognized as a recommended lawyer in Projects and Energy in the 2017 edition of *The Legal 500 Asia Pacific*.

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Minh Thanh Tran practices in the area of corporate law. Mr. Tran has worked with clients on matters involving real estate, corporate, investment, project finance, and mergers and acquisitions for both domestic and international corporations. Mr. Tran is a graduate of Hanoi School of Law Faculty of Economy and Vietnam Judicial Academy.

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