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Power Plants –
Secured Capacity for the Energy Future
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Power Plants – Secured Capacity for the Energy Future

With the increasing share of fluctuating energy generation, the demand for flexible **reliable capacity** is growing. At the same time, the planned phase-out of coal and nuclear power is removing significant amounts of **reliable capacity** from the system. Flexible **power stations**, **storage facilities and controllable loads** are therefore set to make a significant contribution in future, in line with the **power station strategy**, to ensuring **security of supply**, covering peak loads and bridging periods of low solar and wind generation.



Market development and significance

- Increasing demand for secure power as electricity consumption grows
- Flexible gas turbine and gas engine power stations as a bridging technology, in particular as **H_2-ready plants** with the prospect of complete decarbonisation
- Growing importance of storage, load flexibility and hybrid systems in conjunction with controllable generation

Challenges and trends

- **Security of supply & grid stability**: hedging against peak loads and fluctuations in renewable energy
- **Regulatory framework**: capacity tenders, support mechanisms, EU state aid law, tender design, penalties and potential feed-in or generator grid charges for grid usage
- **Transformation & decarbonisation**: investment in H_2-ready technologies, storage, flexible loads and hybrid systems

With the Electricity Security of Supply and Capacity Act (**StromVKG**), the regulatory framework for new investments in secured capacity is taking shape. The tenders launched for **long-term capacity** set key guidelines for **H_2-ready gas-fired power plants**. In the other tender segments, **storage** and **flexible loads** are also coming more into focus.

Luther has been providing comprehensive advice for decades on all legal aspects of power station projects – from planning and authorisation, through financing and contract drafting, to operation, regulation and participation in tendering procedures under the Power Generation Act (**KWKG**), for onshore and offshore renewables, and now also under the Electricity Supply Security and Capacity Act (StromVKG).

When the going gets tough...

Energy Industry Group. The Luther Energy team consists of around 50 experienced experts and offers energy suppliers, project developers, industrial companies, financial investors, governments and the public sector comprehensive full-service legal and tax advice. The experts in our Energy Industry Group provide you with the highest level of advice across the entire value chain, whether for projects in the field of conventional or renewable energies, infrastructure such as energy supply networks or storage facilities, transactions or other innovation projects, energy trading or energy distribution, or contracting projects. Thanks to their many years of experience in the energy sector, our consultants have first-class industry knowledge and expertise in technical and economic issues. For complex projects, specialists in project management are engaged on behalf of our clients. The Luther Energy team is also renowned for its particular expertise in disputes before the highest courts and in arbitration proceedings. Internationally, we work closely with leading law firms that, like us, focus on providing comprehensive advice in the energy sector.

Expertise



Excellent legal knowledge is our trademark. Many years of experience and good relationships with governments and authorities help us to make the right assessments.

Interdisciplinary



Our team of advisors has a close network of technical and economic advisors in the market. When things get very complex and difficult, we know who we can rely on.

Innovative



We have been dealing with innovation topics such as H_2-ready gas-fired power plants for some time now. We were the first in the market to advise on a >100 MW gas turbine power plant that is certified H_2-ready.

Forward-looking



We are already thinking about tomorrow. We support the further development of the European and national legal framework with our expertise and many years of experience in legislative processes.

Award-winning



For many years, JUVE and The Legal 500 have regarded us as leaders in projects and regulation in the energy sector because our team can boast a large number of outstanding lawyers.

Outstanding expertise for your power plant project

StromVKG, KohleAusG, Energy law, grid connection, grid usage

CHP law, financing and subsidy programmes

Operational, maintenance, service, dispatch management and fuel (allocation) contracts

Corporate/M&A

Real estate and property law

Emissions trading law

EU state aid and public procurement law

Balancing group agreements, energy trading (including energy trading supervisory law)

Environmental and planning law

Plant construction law

Energy supply and procurement agreements, heat supply agreements, energy contract law

Marketing of balancing energy, black start capability, reactive power

Selected references

Power plant operator
Comprehensive legal advice on the construction of a new H2-ready natural gas-fired power station on the site of a coal-fired power station, and advising on participation in the tender under the StromVKG for long-term capacity

TEAG Thüringer Energie AG
Comprehensive legal advice on the first 100% hydrogen-compatible gas engine power plant in Germany with a capacity of more than 50 MW. Advice in particular on procurement and contract law and conducting contract negotiations.

Stadtwerke Leipzig
Comprehensive legal advice to Stadtwerke Leipzig on its major investment (approx. EUR 200 million) in the new HKW Süd power plant (120 MW). The central components of the power plant are hydrogen-compatible gas turbines.

Financial investor
Advice on the planned acquisition of the Datteln 4 power plant from Uniper Kraftwerke

Eneco
Legal advice to Eneco on the sale of its shares in Next Kraftwerke GmbH as part of an exit to Shell. Review of the possibility of exercising a pre-emptive right and performance of due diligence in this context

EVH GmbH
Comprehensive legal advice to EVH GmbH on its (new) investments in energy generation facilities, including new investments in the Dieselstraße (EUR 100 million) and Tortha (EUR 25 million) power plant sites, as well as advice on an innovative power-to-heat project



"Top-notch in terms of expertise, always up to date - all relevant aspects are considered and discussed with the client - very good at placing questions and issues in an overall business context and providing advice that is accordingly broad and goes beyond the actual legal issues."
The Legal 500 (2025) – Tier 1 – Industry Focus Energy: Regulatory Advice

"Highly competent at the interface between energy law and antitrust law," "thinks economically," "very good project management."
– Dr Holger Stappert
JUVE (2024/2025) – Tier 1 – Energy Law: Regulatory, Law Firm of the Year for Regulation 2024

"Very good specialist knowledge, negotiating skills, solution-oriented."
– Karsten Köhler
The Legal 500 (2021) – Tier 3 – Public Procurement Law

Selected references



"Involved in major projects undertaken by the firm in connection with the phase-out of lignite in Lusatia and the promotion of extensive decarbonisation measures, Brussels-based partner Janssen is particularly well known as a specialist in state aid law. Such projects demonstrate Luther's extensive experience in the energy sector, where teams of lawyers from different disciplines work together (...) In their recognised public procurement law practice, too, the interfaces with state aid and subsidy law have gained a noticeably higher share."
JUVE (2024/2025) – Tier 3 – State Aid Law

"High level of expertise in environmental law."
– Dr Sabrina Desens
JUVE (2024/2025) – Tier 1 – Planning and Environmental Law

eins energie in Sachsen
Comprehensive legal advice on the establishment of a joint venture for the construction and operation of a waste-to-energy plant. In addition, public procurement law support, tender support on the bidder side (vol. approx. EUR 200 million)

Power plant operator
Advice on the establishment of two innovative and complex power plant projects in matters of state aid law and the use of subsidies from the Just Transition Fund (JTF)

HKW Heizkraftgesellschaft Cottbus mbH
Legal advice and comprehensive support for the construction of a new 50 MW CHP gas engine power plant (vol. approx. EUR 75 million)

Uniper SE
Support for an EU-wide tendering procedure for the commissioning of a combined heat and power plant (vol. approx. EUR 100 million)

State of Berlin
Advice on the acquisition of Vattenfall Wärme, including the purchase of the associated conventional power plants and carve-out of power plant marketing

Selected references

Foreign power plant operator
Comprehensive legal advice on two long-term power plant outages of a combined cycle power plant due to inadequate maintenance, resulting in large-scale damage, and on claims against the service provider under the LTSA (Long Term Service Agreement)

DREWAG Stadtwerke Dresden GmbH
Contractual advice on the Dresden-Reick gas engine power plant project (vol. approx. EUR 100 million)

Uniper Kraftwerke GmbH
Environmental and planning law advice in connection with the approval process for the Irsching gas turbine power plant

Power plant operator
Advice on the marketing of black start capability, reactive power and balancing energy

Financial investor
Advice on the planned acquisition of the Moorburg power plant from Vattenfall

Power plant operator
Representation in two DIS arbitration proceedings against the co-shareholder and its affiliated fuel supplier



Selected references



MEAG
Advice on the acquisition of a stake in STEAG Fernwärme

Uniper Kraftwerke GmbH
Representation of power plant operators RWE Power AG and E.ON Kraftwerke GmbH in joint model proceedings before the Berlin Administrative Court to clarify the compatibility of auction reductions under emissions trading law with EU law

8KU-Municipal utilities
Advice on the investment in hard coal-fired power plants

Major electricity generator
Antitrust and energy trading regulatory advice on the assessment of various bidding strategies for the power plant portfolio in the marketing of electricity generation

Power plant operator
Comprehensive internal investigation and representation of a power plant operator and energy trader in fine proceedings brought by the Federal Network Agency (BNetzA)/Market Surveillance Authority (MTS) for alleged violations of REMIT

Remondis
Advice on the planned acquisition of STEAG, including STEAG's power plant portfolio in Germany and abroad

Selected references

E.ON Energy Projects GmbH
Advice on the construction of a new industrial power plant and advice to the project company on various biomass power plant projects

Plant operator
Review of grid connection and grid access issues, in particular with regard to obtaining avoided grid fees

Leading plant manufacturer
Representation of the plant manufacturer in asserting claims arising from work and services performed in a power plant

Advanced Power
Comprehensive legal advice on the development of a 420 MW gas-fired power plant in North Rhine-Westphalia (Bocholt Power) up to the construction stage

Statkraft
Advice and representation in a plan amendment procedure under the Energy Industry Act (EnWG) for connecting a pumped storage power plant to a higher grid voltage level



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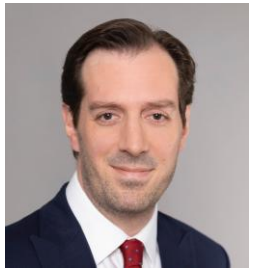
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