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Geothermal Energy –
Heat and Power from the Earth
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Geothermal Energy – Heat and Power from the Earth

The consequences of global warming are becoming increasingly visible worldwide. When it comes to reducing greenhouse gas emissions, electricity generation and energy-intensive manufacturing industries were for a long time the centre of attention. Yet, about half of the total national energy consumption is attributable to the heating sector. The use of carbon-neutral geothermal energy is one of the **key elements to the heat transition**.

Shallow geothermal energy enables the supply of heating and cooling to buildings and entire neighbourhoods. **Deep geothermal energy**, on the other hand, can be used to provide carbon-neutral process heat for industry and trade. Renewable electricity can also be generated from geothermal energy. This makes it possible to benefit from statutory subsidies, thus improving the economic viability of geothermal projects. In addition to using geothermal energy for industrial heat, there are also many other fields of application for geothermal energy, such as agricultural use, thermal bath heating or lithium production. There are positive market developments for both shallow and deep geothermal energy.

The most important factors for the **economic viability of geothermal projects**, apart from the discovery of thermal water at appropriate temperatures and a sufficient production rate, are:

- a good customer structure with year-round heat consumption and
- funds to finance the investment, for example, from private investors, federal subsidies, state subsidy programmes and statutory funding under the German Renewable Energy Sources Act ("*EEG*") and/or the Combined Heat and Power Act ("*KWKG*").

Further decisive factors are a reliable assessment of the legal framework, especially in the fields of mining and water law, construction planning law and the law governing the relations between neighbours, as well as experience in drafting plant construction and purchasing contracts and – in the case of public sector projects – legally secure sourcing from a public procurement and contract law perspective.

With their expertise and **industry knowledge** and **many years of experience** advising on numerous complex energy projects, Luther's experts make the difference in your geothermal project. We have not only just identified geothermal energy as a topic for the future – our first project dates back to 2008!



When things get difficult ...

Energy Industry Group. Luther's Energy team consists of around 50 experienced experts who offer full-service legal and tax advice to energy suppliers, project developers, industrial companies, financial investors as well as governments and the public sector. The experts in our Energy industry group provide top-quality advice across the entire value chain, be it on projects regarding conventional or renewable energy, on infrastructures such as energy supply grids or storage facilities, on transactions or other innovation projects, on energy trading as well as on the distribution of energy or on contracting projects. Due to their many years of experience in the energy sector, our advisors have first-class industry knowledge and expertise in technical and economic matters. We also use specialists to handle project management tasks in particularly complex projects that we have been mandated with. Luther's Energy team is also well-known for its special expertise in dealing with legal disputes all the way to the highest courts, and in arbitration proceedings. Internationally, we work closely with leading law firms who, like us, focus on providing comprehensive advice in the energy sector.

Expertise



Excellent legal knowledge is our trademark. Many years of experience and good relations with governments and public authorities help us provide correct assessments.

Interdisciplinary



Our team of advisors is closely networked in the market with technical and economic consultants. When things get very complex and difficult, we know who to rely on.

Innovative



Innovation topics such as geothermal energy have not just been on our minds since yesterday: our energy team has been advising on the climate-friendly use of geothermal energy since 2008.

Trendsetting



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

Excellent



For many years now distinguished by the German and legal publisher JUVE and The Legal 500 as a leader in projects and regulation in the energy industry due to the large number of outstanding lawyers on our team.

Extensive expertise for your geothermal project

- Mining law
- Energy regulatory law
- Financing and funding programmes
- Corporate/M&A
- Real estate
- Public procurement law
- Renewable energy and combined heat and power law
- Energy tax law
- Water law
- Plant construction law
- Environmental and planning law
- District heating law, energy contract law and corporate PPAs

References

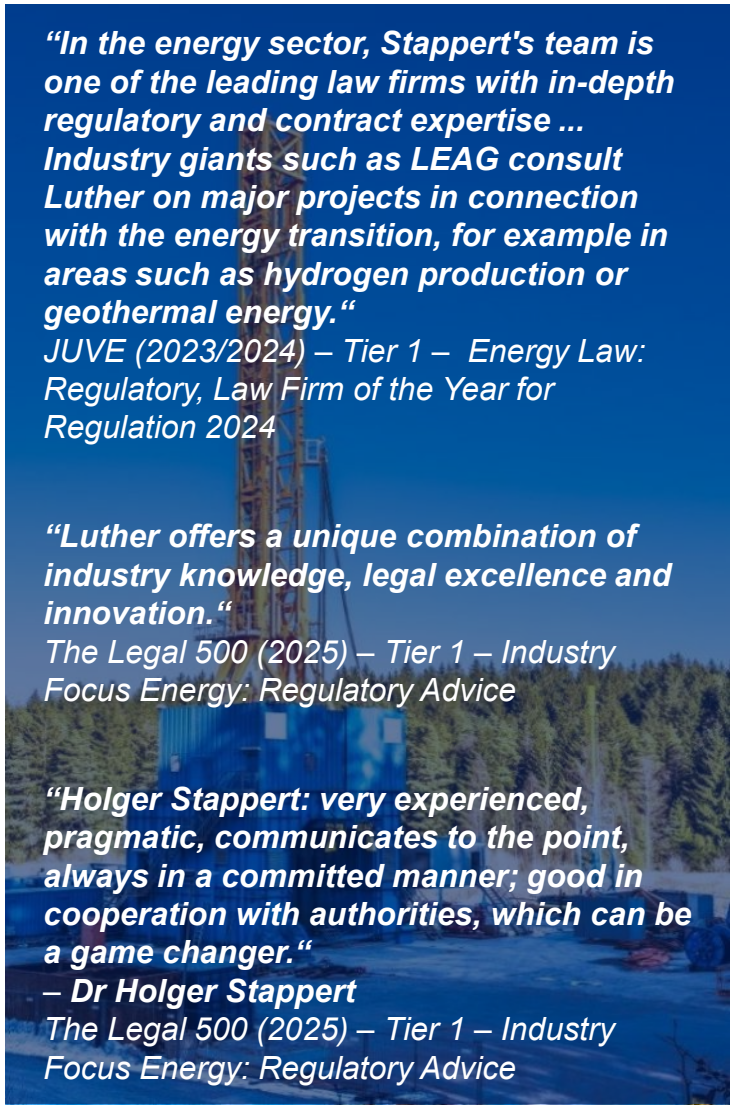
MVV Energie AG
Advice on licensing law for the new construction of a total of four (deep) geothermal plants and organisation of a workshop on the licensing procedures under mining and water law, as well as construction and immission control law

WärmeWerk Wörth
Construction of a new geothermal energy plant for the energy supply of, among others, Daimler Trucks. Procurement and contract law advice in connection with 3D seismic surveying, the planning and execution of deep drilling works, the planning and construction of the combined heat and power plant, as well as the related permitting issues

Stadtwerke Münster
Legal advice on project structuring, the preparation of tender documents, the implementation of tenders and the negotiation of contracts within the "Deep Geothermal Energy Münster Feasibility Study" project (incl. seismics). The project is intended to confirm the feasibility and scalability of deep geothermal energy in Münster and the potential of the technology in North Rhine-Westphalia. This early geothermal project is intended to serve as a "door opener" for further projects in NRW

Stadtwerke Prenzlau GmbH
Stadtwerke Prenzlau GmbH intends to expand and densify its existing district heating network by 2040, which will also involve converting its current heat generation system, which is largely based on natural gas, to a largely climate-neutral generation system. Luther is advising on the corresponding tenders for the implementation of the heat transformation plan and the new construction of a (deep) geothermal plant worth around EUR 43 million, including project structuring, preparation of the tender documents, implementation of the tender and negotiation of the contracts and addenda

Stadtwerke Neuruppin GmbH
Comprehensive advice on the development of a new deep geothermal energy plant with a project value of EUR 25.5 million, including project structuring, the preparation of tender documents, the conduct of the tender procedure, and the negotiation of contracts and contract amendments. The project is funded under the German Federal Funding Programme for Efficient Heating Networks (B*undesförderung für effiziente Wärmenetze – BEW*) and was the first project in Germany to receive a grant approval notice under Module 2.



"In the energy sector, Stappert's team is one of the leading law firms with in-depth regulatory and contract expertise ... Industry giants such as LEAG consult Luther on major projects in connection with the energy transition, for example in areas such as hydrogen production or geothermal energy."
JUVE (2023/2024) – Tier 1 – Energy Law: Regulatory, Law Firm of the Year for Regulation 2024

"Luther offers a unique combination of industry knowledge, legal excellence and innovation."
The Legal 500 (2025) – Tier 1 – Industry Focus Energy: Regulatory Advice

"Holger Stappert: very experienced, pragmatic, communicates to the point, always in a committed manner; good in cooperation with authorities, which can be a game changer."
– Dr Holger Stappert
The Legal 500 (2025) – Tier 1 – Industry Focus Energy: Regulatory Advice

References



"The firm is among the market leaders in public law, owing to its strength in environmental and planning law matters."
JUVE (2024/2025) – Tier 1 – Environmental and Planning Law

"Luther Rechtsanwaltsgesellschaft mbH's environmental and planning expertise is regularly called upon in the context of large energy transition projects, including photovoltaics, wind energy and green hydrogen, and applied in planning approval and authorisation procedures as well as in relation to climate protection law, nature conservation law and decarbonisation.

Reliability, comprehensive service in depth, broad spectrum of advice."
The Legal 500 (2025) – Tier 1 – Public Law: Environmental and Planning Law

Senate Department for Mobility, Transport, Climate Action and the Environment of the State of Berlin

Advice on issues of mining law and on emerging permitting issues, on the structuring and conclusion of the required use transfer agreements, on the conduct of procurement procedures, and on antitrust and state aid law issues in connection with the major project, unique in Germany, for the expansion of deep and medium-depth geothermal energy. Overall, investments amounting to several hundred million euros and several dozen geothermal projects are planned.

EVH GmbH

Legal advice on project structuring, drafting the tender documents, arranging the tender and negotiating the contracts within the "district heating transformation plan of Stadtwerke Halle (Saale)" project: As part of the "Federal subsidisation for efficient heating networks (BEW), a concrete decarbonisation path (including geothermal energy) for district heating in Halle (Saale) is to be developed with the help of a heat transformation plan (WTP) in order to achieve greenhouse gas neutrality in the heat supply by 2045

badenova WärmePlus

Advice, in particular on mining law issues, in connection with deep geothermal drilling. badenova WärmePlus intends to also feed its heating networks with heat from deep geothermal energy plants in the future. Several plants are to be constructed for this purpose. In addition to permitting issues, Luther also advised on the establishment and capitalisation of a project company.

Municipal utility company in North Rhine-Westphalia

Advice on project structuring, the preparation of tender documents, the conduct of the tender procedure and the negotiation of contracts in connection with an exploratory borehole for geothermal energy. The sinking of a vertical borehole to a depth of up to approximately 4,200 m in order to access and test the potentially geothermally usable formations of the Kohlenkalk and Massenkalk. If successful, a deviation of the vertical borehole into the Kohlenkalk or Massenkalk in the area of a fault zone is planned.

Energieversorgung Schwerin GmbH & Co. Erzeugung KG

Comprehensive advice on the construction of a new (deep) geothermal plant worth EUR 20 million, including project structuring, preparation of tender documents, implementation of the tender and negotiation of contracts and addenda

References

Public utility company
Procurement and contract law advice on the new construction of a (deep) geothermal plant worth EUR 10 million

Leading energy supplier
Mining law advice on the exploration for geothermal energy in connection with numerous deep geothermal energy projects

Municipal utility company of a German state capital
Procurement and contract law advice on contractual matters and public law permitting issues in connection with the assessment of the potential use of deep geothermal energy in the form of a hydrothermal system

Geo-En Energy Technologies GmbH
Advice on the construction of a geothermal plant in a water protection area in the state of Berlin

EGR Entwicklungsgesellschaft Ruhr-Bochum mbH
Public procurement law support for the tendering of planning services for the construction of a geothermal start-up centre

Municipal utility company in a major city in Brandenburg
Comprehensive advice on the construction of a new (deep) geothermal plant, including project structuring, preparation of tender documents, implementation of the tender and negotiation of contracts and addenda

Major district town in Baden-Württemberg
Advice on procurement and contract law for the construction of a new (deep) geothermal plant

Real estate company
Advice on the water law authorisation for the construction of a geothermal energy plant



References

"Luther navigates complex environmental and public law issues with both precision and pragmatism and we especially value how clearly it communicates with us."
Chambers Germany (2026) – Band 2 – Public Law: Public Procurement/PPP

"The full-service practice is among the market leaders in regulatory advice in the sector. Its regulatory expertise means that it is regularly called upon for complex, multi-layered mandates in the energy sector."
JUVE (2025/2026) – Tier 1 – Energy Law: Regulatory

"In transactions in the energy sector, Luther's teams are among the most sought-after in the market, not least due to the close integration of sector and regulatory specialists with the corporate teams."
JUVE (2025/2026) – Tier 3 – M&A, nominated as Law Firm of the Year for M&A 2024

Public utility company
Procurement and contract law advice on the new construction of a (deep) geothermal plant worth EUR 10 million

Stadtwerke Leipzig
Advice on procurement and contract law for a combined heat and power plant as well as advice on construction and immission control law for the construction of a combined heat and power plant

Major district town in Baden-Württemberg
Advice on procurement and contract law for the construction of a new (deep) geothermal plant

Energy supplier
Following damage to the borehole, comprehensive advice on a (deep) geothermal project consisting of geothermal feeding of two ORC systems for electricity production and feeding heat into a district heating network and for heating greenhouses

Energy supplier
Advice on procurement and contract law matters in the area of the drilling contractor, as well as representation of the utility company in related review proceedings against a drilling contractor that was unsuccessful in the procurement procedure

RWTH Aachen GmbH
EU-wide tender for an innovative neighbourhood concept based on a complex project contract, consisting of a so-called anergy grid, a cold local heating grid fed by heat from a large number of borehole heat exchangers and, in addition, from solar collectors and waste heat

Installation companies
Enforcement of claims for drilling work performed to connect geothermal heating systems

References

"Holger Stappert has huge knowledge of law and business and is a great person to work with."

– Dr Holger Stappert

Chambers Europe (2026) – Band 1 – Energy: Regulatory

"In the present task, she managed to involve numerous contributors from different technical and scientific disciplines, some with different objectives, in the work in such a way that a broad consensus on the work result could be achieved. The goal of the assignment was always taken into account."

– Dr Sabrina Desens

The Legal 500 (2024) – Tier 1 – Public Law: Environmental and Planning Law

"Prof Leidinger has excellent knowledge not only of the legal situation, but also of the political situation and social challenges."

– Professor Tobias Leidinger

The Legal 500 (2022) – Tier 1 – Public Law: Environmental and Planning Law

"Offers expert, experienced, fast and efficient advice in immission control law."

– Dr Stefan Altenschmidt

The Legal 500 (2024) – Tier 1 – Public Law: Environmental and Planning Law

"An excellent competition lawyer and a recognised expert in energy law."

– Dr Guido Jansen

JUVE (2022/2023) – Tier 1 – Energy Law: Regulatory

"Very good expertise, negotiating skills, flexibility, focus on the project goal."

– Karsten Köhler

The Legal 500 (2021) – Tier 3 – Public Law: Public Procurement Law

"Good expertise, flexibility, availability, solution-orientated."

– Daniel Naumann

The Legal 500 (2021) – Tier 3 – Public Law: Public Procurement Law

"Michael Bormann has exceptionally strong commercial acumen. He analyses complex shareholder matters in order to develop solutions and delivers results promptly."

– Dr Michael Bormann

The Legal 500 (2025) – Tier 4 – Corporate/M&A: Mid-Market

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If you have any questions, please contact your contact person at Luther or one of the experts listed below:



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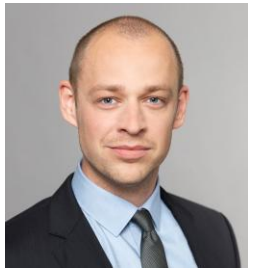

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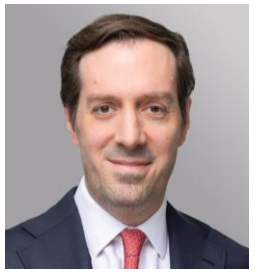

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