

Your World First

C/M/S/

Law . Tax

Environment, Energy & Public Real Estate





Why CMS?

Experts in public law

For over 20 years, CMS has developed broad practices in environmental, energy and public real estate law. Over time, our lawyers have built on their in-depth knowledge of the rules and regulations governing these areas of law and their impact on specific sectors and the wider economy. We help our clients anticipate issues they may face and we help them navigate the complex regulatory landscape.

Our team is able to mobilize extensive expertise to support public and private clients in their organizations, the exercise of their powers or their relations with the authorities, in both consulting and litigation.

Multidisciplinary approach

Many of the issues our clients deal with require a multidisciplinary approach. Thanks to our integration within the CMS office, consisting of more than 80 lawyers in Belgium, we have specialists who can assist you with any matter, whether relating to tax law, commercial law, banking and finance, or employment, civil or corporate law.

Local roots - international footprint

Present in 35 countries worldwide, CMS has an extensive international coverage, which allows us to adhere to international standards, while being active locally. Our clients can count on us both for major international deals and for local matters.

Building lasting relationships

- Our lawyers take their work seriously, not themselves.
- Instead of working for clients, we work together with them, aiming to be part of their teams.
- We invest in long-term partnerships with our clients, building up a genuine knowledge of their businesses and generating win-win formulas. This is why we introduced a range of alternative pricing models (including time based, budget based, tranche based and result based models).



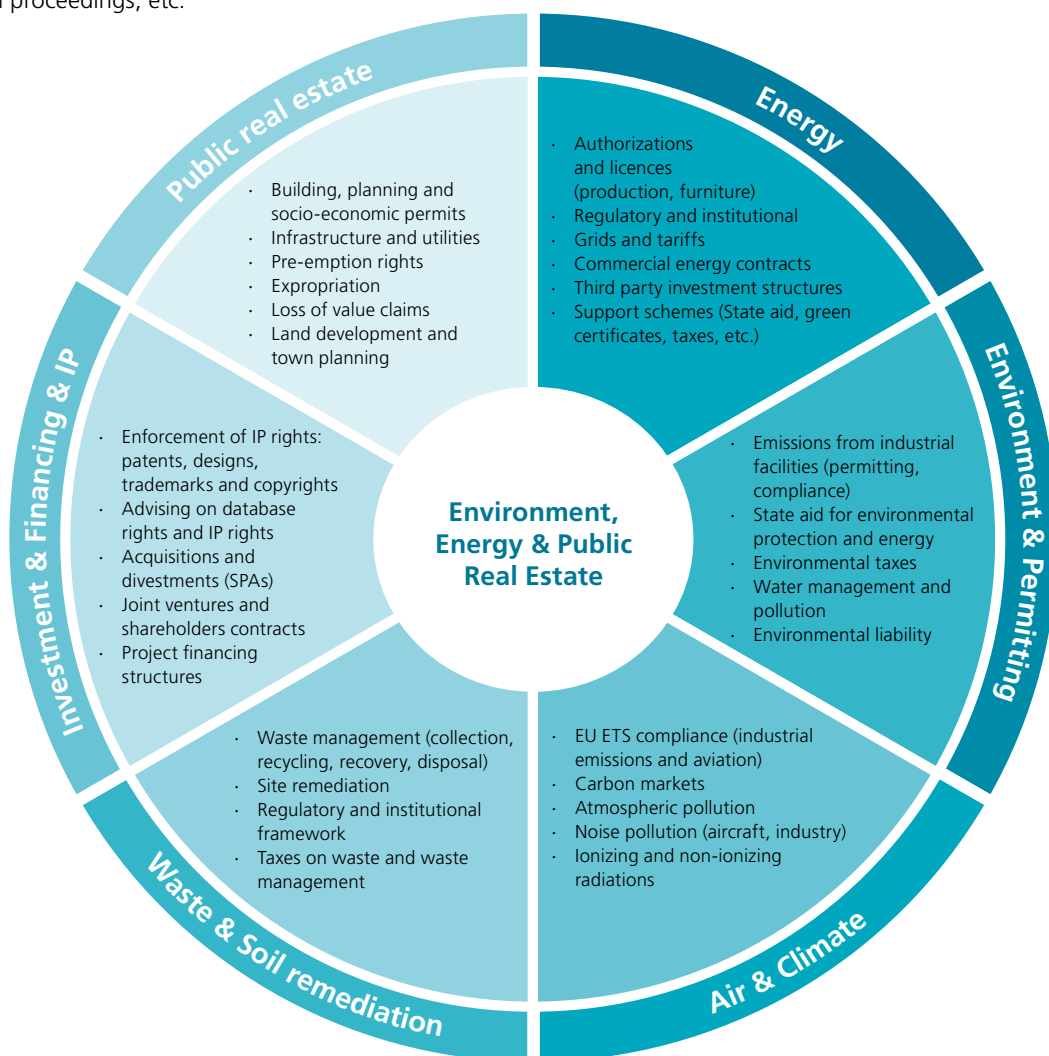
“Ivan-Serge Brouhns is a ‘very balanced and serious lawyer.’ He focuses on energy, planning and environmental matters.”

Chambers Europe 2015, Environment



Our Environment, Energy and Public Real Estate Expertise

Our team offers expertise in all legal services relating to the environment, energy and public real estate, including legal advice, project management, legislative work and litigation. Our practice covers all aspects of our clients' businesses: permitting and regulatory, corporate and tax markets, contracts, State aid and competition, administrative and criminal proceedings, etc.



A Proven Track Record

Energy

- Assisting major wind developers in the permitting aspects of the acquisition of wind farms in Belgium (legal due diligence reports, legal opinions, building permits, including public inquiry, public domain and environmental impact assessment).
- Assisting an energy company in defending the validity of a major gas pipeline permit (Council of State).
- Assisting an energy company in a joint venture relating to a biomass electricity production unit.
- Designing and drafting contractual frameworks for decentralized energy production units (PV installations, biomass units and wind farms).
- Advising an energy company on the acquisition of a portfolio of industrial PV installations in Flanders, Brussels and Wallonia.
- Advising the **Walloon regional energy market regulator** on the legal qualification of green certificates.

Environment & Permitting

- Assisting industrial companies in obtaining and updating environmental permits (IED Directive), including litigation and proceedings.
- Assisting a steel producer in criminal proceedings for large-scale water pollution.
- Assisting the **Brussels regional government** in proceedings against legislation on non-ionizing radiation (mobile phones - Constitutional Court).
- Assisting **Delhaize Group** in effectively transferring all of its operational permits or registrations after the merger with Koninklijke Ahold N.V.

Air & Climate

- Assisting **Carsid** in criminal proceedings relating to dust emissions.
- Advising the **Walloon regional government** in implementing EU ETS legislation (phase II and phase III), including litigation (civil courts, Council of State, Constitutional Court, EU Court of First Instance).
- Assisting the **Brussels Government** in a liability procedure introduced by an NGO against the federal State and the Regions for insufficient measures against greenhouse gases emissions.
- Assisting the **Brussels Government** in its response to Volkswagen cheating pollution emissions test and in the legal framework to introduce hybrid buses in Brussels.
- Advising **Touring** and the **Belgian Federation for old Vehicles** in connection with the low-emission zones.

Public real estate

- Advising real estate developers in proceedings and litigation relating to planning and socio-economic operating permits (residential buildings, industrial and commercial complexes, etc.).
- Assisting public and private developers in large-scale real estate projects (tender procedures, site remediation, permitting, tax structuring, etc.).
- Assisting the **Brussels regional government** in litigation cases relating to demolition action and claims for indemnification of loss in value.
- Advising a major US promotor on the development of a 30,000m² extension to a shopping centre.
- Drafting the **Walloon regional government** socio-economic regional legislation.
- Advising **Brantano** on townplanning matters.

Waste & Soil remediation

- Advising **Duferco** on the integrated remediation of a brownfield site and the construction of a power plant, including advice on designing the PPP structure.
- Advising companies on waste management (DEE, packaging, etc.).
- Advising the **Walloon regional government** on drafting the contractual framework for a public waste company and the regional soil legislation (including public aid frameworks).
- Assisting in proceedings against environmental taxes on waste.
- Advising **Asco** in connection with a complex soil remediation matters.
- Advising **Gands** in connection with liability issues related to soil remediation.

Investment & Financing & IP

- Negotiation and drafting of a patent transfer agreement regarding a method and apparatus for local modification of the atmosphere.
- Assisting a large French energy producer in an infringement seizure proceeding regarding the use of a biogas tank registered model.
- Advising a large French energy producer in connection with the sale of an SPV involved in the development and construction of a power plant (920 MW).



Publications & Newsletters

CMS Guide to Electricity



Our e-guide **CMS Guide to Electricity** is a comprehensive regulatory guide to electricity markets across a number of European jurisdictions and across the European Union as a whole. CMS tapped into its broad expertise from 22 offices across Europe to provide a thorough introduction to the fascinating and complex electricity sector, providing a general overview of each jurisdiction's overall legal framework. In the guide you will find sector analysis, generation, transmission, distribution and supply structures, as well as energy exchange/trading, support to renewables and sector statistics. Furthermore, it provides an insight into the main regulations and laws, authorities and market players in the regional energy sector. Through this guide you will be able to compare electricity regulations across jurisdictions and spot potential opportunities and/or challenges.

Consult the guide at <http://eguides.cmslegal.com/electricity>

CMS Guide to EU Mandatory Energy Assessments



The Energy Efficiency Directive (EED), designed to increase energy efficiency across the European Union, introduces a number of energy targeted measures. One potentially complex aspect of the EED is the introduction of mandatory energy assessments. Organizations across all industries could be affected by these energy assessment obligations and, if so, will have to undertake an energy efficiency review of their operations. As a starting point, CMS has created a snapshot "e-guide" about the legal position regarding the EED in 17 Member States. The e-guide summarizes the status of the law, the criteria for organizations, the potential sanctions, and contacts for further information. The e-guide offers a click-through, interactive map of Europe where users can select and compare the position in countries of interest.

Consult the guide at http://eguides.cmslegal.com/energy_efficiency_directive

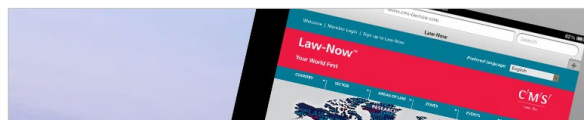
CMS Guide to Energy Storage



Energy storage offers a range of opportunities for stand-alone developers, generators, network operators and consumers (ranging from large energy users through to domestic consumers) and other electricity sector participants and is attracting greater attention due to the array of benefits the various technologies can provide. The CMS Energy team has prepared an e-guide on energy storage, which covers 22 jurisdictions across Europe, Asia, Africa and the Americas. The guide covers the storage sector's development, and the legal and regulatory environment to consider in the deployment of energy storage projects in each jurisdiction.

Consult the guide at https://eguides.cmslegal.com/energy_storage

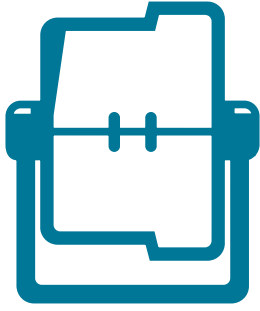
Law-Now



Our Law-Now e-Alerts and resources centre (www.law-now.com) gives you access to free online information on important legal and other key issues that affect your business.

You choose the legal and sector news you want to receive through email alerts and via the online knowledge portal, which includes a searchable archive. Our eAlerts are short and to the point, getting to the essence of the issue fast. Our commentary on legal developments is enhanced by a practical look at the business impact, including the steps businesses need to take. The Law-Now website has over 10,000 pieces of legal analysis as well as all the publications and events supported by CMS.

Visit www.law-now.com



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“Well-regarded group, recognised for its strength in the full range of environmental law matters. Offers in-depth expertise in issues concerning product liability, waste, planning and environmental permits, climate change, renewable energy and pollution. Noted for its strength in the French-speaking regions.”

CMS Worldwide

At CMS, we believe that delivering real value only happens when we work from a starting point of total client understanding and commitment. We call this philosophy **'Your World First'.**

Your World First puts client success ahead of anything else. It draws on our deep expertise and the focus we put on advice, insight and execution that enable our clients to move ahead in their chosen markets, fulfilling strategic ambitions and being a benchmark for best practice.





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