

**Hydrogen**  $H_2$

*zero emission*

# Hydrogen – the energy carrier of the future

Presenting the expertise of CMS Germany

# Hydrogen

## The energy carrier of the future

### Who we are

CMS has decades of experience in advising companies on [Energy & Climate Change](#). Our lawyers combine in-depth expertise in all relevant legal areas with real-world industry knowledge. This allows us to provide targeted advice on all [energy law and regulatory issues](#) associated with investment in hydrogen projects and executing such projects. We advise on developing and implementing new business models, [on approval of hydrogen infrastructure](#) and on alliances, joint ventures and [growth strategies](#) based on mergers and acquisitions. We can provide legal advice on [Research & Development](#) into hydrogen technologies while ensuring that your development work and products are protected by intellectual property rights and your rights in this regard are firmly enforced. Thanks to our long experience of [future mobility](#) and [eMobility](#), we are also able to provide expert assistance with related hydrogen projects.

#### Strong energy team

For many years, our multidisciplinary team has been advising the energy sector and has not only pioneered new and innovative solutions, but also set new standards. Our expertise and experience includes legal advice on projects across the entire spectrum of the industry.

#### International reach and expertise in hydrogen

Our international energy team works closely with more than 450 lawyers worldwide on all energy and climate change issues, including advising on hydrogen projects. With our international [Hydrogen Expert Guide](#), we provide you with an overview of the current framework conditions and ongoing hydrogen projects in over 25 countries around the globe.

#### Interdisciplinary advice from a single source

Our advice encompasses all levels of the value chain. We are one of few law firms to offer specialists with outstanding expertise across all legal fields and spheres of activity that are of interest to you.

# Hydrogen

## The energy carrier of the future

### Our standing in the market

---

CMS will provide the right mix of experience and enthusiasm, together with the best legal advice for your project. We are a leading legal adviser on the topic of energy at every level of the value chain, with commercial understanding, deep-rooted experience and a constant focus on future-facing concepts, delivering results which enable you to take more decisive action and achieve your goals.



#### Capacities

Over 30 lawyers work in our energy industry law practice, part of the largest law firm in Germany, with over 600 professionals.



#### Expertise

We offer comprehensive expertise in energy law, particularly in the fields of energy regulation, renewable energy sources, energy contracts, energy tax, environmental and planning law, competition, EU and state aid law.



#### Future-facing

From hydrogen, innovative storage technologies, smart grids and metering right through to infrastructure for electric vehicles, CMS lawyers advise on energy technologies and issues of the future.



#### Innovative

Our Smart Operations (SMOP) business unit and use of the latest AI/project solutions (Kira, HighQ) allow us to achieve significant efficiency gains in collaboration.



#### Top-ranked

[Chambers & Partners](#)  
**Band 1** for Renewables,  
Transactional & Regulatory

[JUVE](#)

**Tier 1** for Energy Regulatory and  
**Tier 2** for Energy  
Transactions/Financing



“ CMS provides wide-ranging advice in the renewable energy sector, including offshore wind parks as well as gas-to-power projects, traction batteries and hydrogen energy. [...] the firm's broad structure also enables the team to advise on financings, transactions, employment law matters and real estate aspects.  
**Legal 500 Deutschland, 2020**

“ In the energy sector, very broad and integrated setup from regulatory and M&A to financing and environmental and planning law.  
**JUVE, 2020/21**

We provide targeted advice on all energy law and regulatory issues associated with investment in hydrogen projects and executing such projects.

We have compiled an Insight with the latest information on hydrogen.





*They provide professional services, look into every detail and provide advice within a short time. – Client*

**Chambers & Partners, 2020**



*Leading energy practice frequently seen assisting clients with large renewable projects, advising on all aspects and stages of the process.*

**Chambers Europe, 2020**

## Our key areas of advice around hydrogen cover – Part 1:

### Legal and regulatory issues

- Regulation of hydrogen networks (network connection, network access, connection lines, repurposing of parallel transport systems)
- Public-law approval of hydrogen production plants (electrolysers, reformers and separators) and any CO<sub>2</sub> storage facilities that may be required, as well as transport via (long-distance) pipeline networks
- Contractual mapping of the value chain
- Safety regulations
- Specific regulations for consumption sectors (e.g. industry, mobility)
- Monitoring of ongoing legislative processes at national, European and international level
- Advice on drafting the legal and regulatory framework for hydrogen

### Development and introduction of new business models

- Designing innovative hydrogen concepts
- Designing and implementing hydrogen-based transport and loop concepts
- Expert opinions on legal developments and perspectives as input for strategic corporate planning
- Legal advice on establishing and funding start-ups with innovative products or business ideas, including spin-offs from research institutes
- Decarbonisation of industrial processes
- Decarbonisation of the buildings sector
- Legal support and advice on designing and implementing R&D projects
- Advice and support around legal protection for new business models



## Our key areas of advice around hydrogen cover – Part 2:

### Investments in hydrogen projects

- Power-to-X projects
- Constructing and operating electrolyzers
- Projects in the industrial sector
- Constructing and operating hydrogen infrastructure
- Projects for producing blue hydrogen
- Support in gaining subsidies
- Carbon capture

### Alliances, joint ventures and growth strategies

- M&A transactions involving the acquisition or sale of start-ups or promising established companies already operating along the value chain, including debt financing of acquisitions where required
- Alliances and joint ventures around the shared exploration and exploitation of opportunities in the hydrogen sector
- Drafting and negotiating R&D cooperation agreements, including considering the implications under competition and state aid law
- Structuring, drafting and negotiating technology licensing agreements

### Ensuring that innovative products and projects are protected through intellectual property rights

- Enforcement of patents and addressing breaches of trade secrets
- Advice on developing and implementing strategies to protect your innovations
- Freedom to operate analysis, evaluation of infringing third-party rights and taking action against them
- Advice and representation in relation to technical standardisation and its implications for patents

# Hydrogen

## Current highlights

### Open Grid Europe

---

Comprehensive legal advice in the context of a study on the European and German regulatory framework for hydrogen, with a focus on blue hydrogen. The study's premise is the production of hydrogen from natural gas and the permanent offshore storage of carbon dioxide accrued in the process. CMS examined the framework conditions from a legal perspective for the hydrogen market rollout and possible delivery systems.

### Nowega / Open Grid Europe / Thyssengas

---

Advice on cooperation in the development of a hydrogen network in the pilot project Get H2.

### Bayernets

---

Advice in connection with the planned conversion and expansion of existing gas pipelines for the transport of hydrogen, in particular on the relevant approval procedures.

### City of Frankfurt am Main

---

Legal advice in the hydrogen pilot project of the City of Frankfurt in cooperation with Mainova AG. The project of an integrated mobility concept for hydrogen is about a complete mapping of the value chain in the region - production, storage/transport, delivery/consumption of hydrogen.

### Technical testing organisation

---

Establishment of a joint venture company to provide advisory and project services in relation to hydrogen applications for third parties. The parties intend to meet the increased demand for contacts with hydrogen expertise and generate follow-up transactions for their respective core businesses.

### Plastic Omnium

---

Advice on the establishment of a joint venture with ElringKlinger for the development and large-scale production of fuel cell stacks for CO2-neutral mobility.

### Infrastructure network operator

---

Advice in the context of the establishment of a joint venture company for the provision of services in the field of hydrogen.

### Consortium

---

Comprehensive corporate law advice on a multi-party hydrogen project including the implementation of joint venture structures and the regulation of interfaces with public procurement and state aid law.

### Transmission system operator

---

Advice on regulatory legal issues on hydrogen transmission into the transport network.

# Contacts

Proactive coordination by your dedicated CMS contact is particularly important to us. This guarantees you are always in the picture, as well as ensuring continuity and transparency.



**Dr Friedrich von Burchard**

Partner | Energy & Climate Change  
CMS Düsseldorf



**Dr Niklas Ganssaug**

Partner | Real Estate & Public  
CMS Hamburg



**Dr Holger Kraft**

Partner | Energy M&A  
CMS Hamburg



**Dr Rolf Hempel**

Partner | Energy & Climate Change  
CMS Stuttgart



**Dr Christiane Kappes**

Partner | Real Estate & Public  
CMS Hamburg



**Dr Thomas Hirse**

Partner | Intellectual Property  
CMS Düsseldorf



**Dr Gerd Leutner**

Partner | Corporate/M&A  
CMS Berlin



**Dr Astrid Roesener**

Counsel | Corporate / M&A  
CMS Munich







**Your free online legal information service.**

A subscription service for legal articles on a variety of topics delivered by email.  
**cms-lawnow.com**

---

The sole purpose of this document is to provide information about specific topics. It makes no claims as to correctness or completeness and does not constitute legal advice. The information it contains is no substitute for specific legal advice. If you have any queries regarding the issues raised or other legal topics, please get in touch with your usual contact at CMS Hasche Sigle.

CMS Hasche Sigle is one of the leading commercial law firms. More than 600 lawyers serve their clients in eight major German commercial centres as well as in Beijing, Brussels, Hong Kong, Moscow and Shanghai. CMS Hasche Sigle is a member of CMS Legal Services EEIG, a European Economic Interest Grouping that coordinates an organisation of independent law firms. CMS EEIG provides no client services. Such services are solely provided by CMS EEIG's member firms in their respective jurisdictions. CMS EEIG and each of its member firms are separate and legally distinct entities, and no such entity has any authority to bind any other. CMS EEIG and each member firm are liable only for their own acts or omissions and not those of each other. The brand name "CMS" and the term "firm" are used to refer to some or all of the member firms or their offices.

**CMS locations:**

Aberdeen, Abu Dhabi, Algiers, Amsterdam, Antwerp, Barcelona, Beijing, Beirut, Belgrade, Bergen, Berlin, Bogotá, Bratislava, Bristol, Brussels, Bucharest, Budapest, Casablanca, Cologne, Dubai, Duesseldorf, Edinburgh, Frankfurt, Funchal, Geneva, Glasgow, Hamburg, Hong Kong, Istanbul, Johannesburg, Kyiv, Leipzig, Lima, Lisbon, Ljubljana, London, Luanda, Luxembourg, Lyon, Madrid, Manchester, Mexico City, Milan, Mombasa, Monaco, Moscow, Munich, Muscat, Nairobi, Oslo, Paris, Podgorica, Poznan, Prague, Reading, Rio de Janeiro, Rome, Santiago de Chile, Sarajevo, Shanghai, Sheffield, Singapore, Skopje, Sofia, Stavanger, Strasbourg, Stuttgart, Tirana, Utrecht, Vienna, Warsaw, Zagreb and Zurich.

CMS Hasche Sigle Partnerschaft von Rechtsanwälten und Steuerberatern mbB, registered office: Berlin (Charlottenburg District Court, PR 316 B), list of partners: see website.