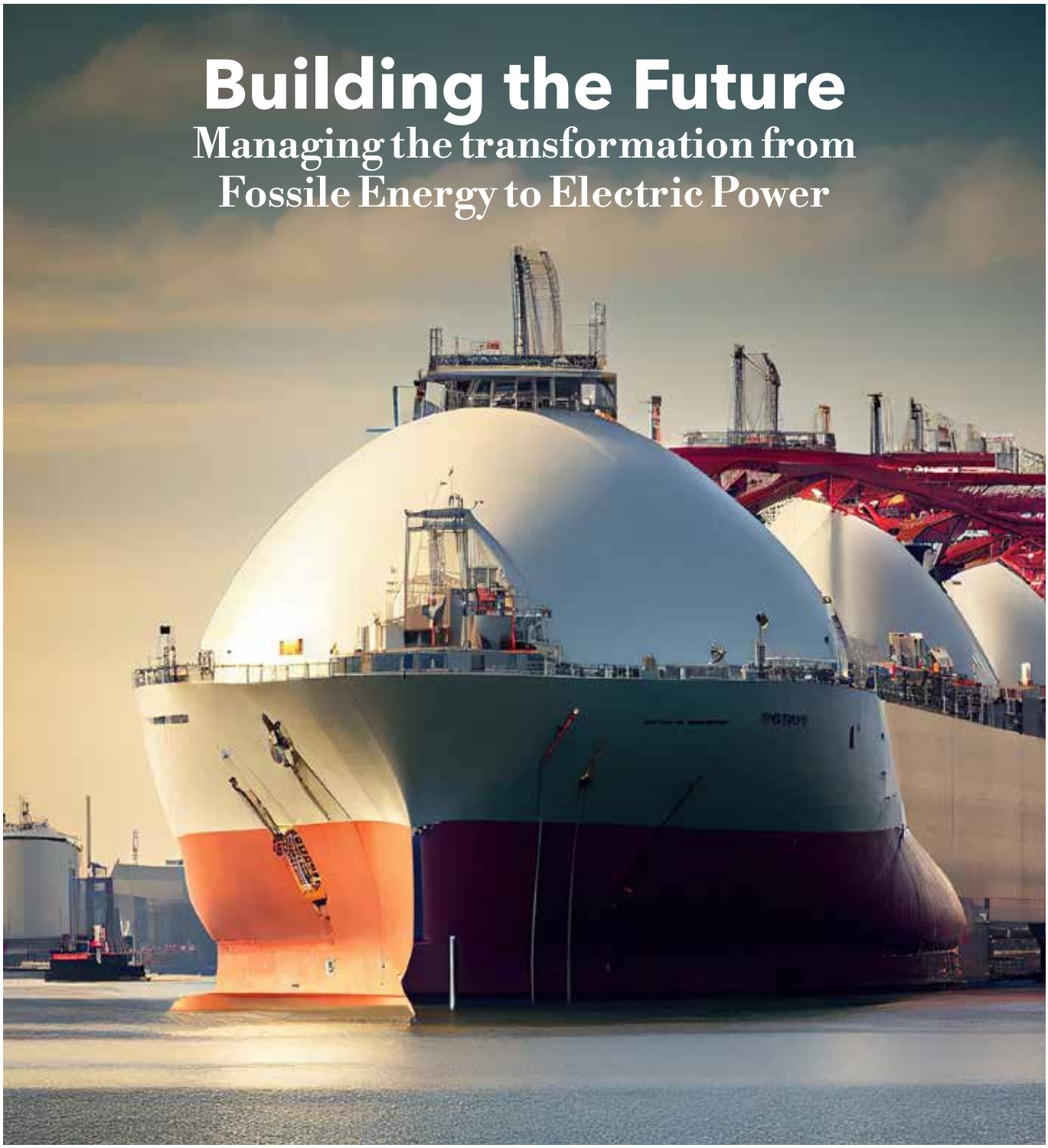
LP Magazine



Building the Future

Managing the transformation from Fossile Energy to Electric Power

Fehmarnbelt
Construction of the tunnel under the Baltic Sea: fascinating in every respect

Technology
New methods and ideas to accelerate the construction of bridges

Dear Readers,

this magazine keeps you informed on the multitude of projects advised by Leinemann Partner. The firm is proud to be Germany's largest team of construction lawyers and public procurement specialists. Real Estate and Public Law, especially zoning and environmental law are further focuses of the firm.

This issue highlights projects which are showing an interesting range of legal work, while the focus on energy-driven initiatives is quite visible. A new high-voltage power grid, LNG terminals, new industrial factories, tunnels, trains, and highways have long been in the focus of Leinemann Partner. This expertise is now pushing the firm to the forefront of the economic transition.

Although construction and procurement law are very national issues, many international clients do increasingly rely on Leinemann Partner's legal services. A substantial group of lawyers is advising clients in English language, some of our lawyers also speak French, Russian, Ukrainian and Spanish.

Have a look at our projects, our firm, and the activities of the Leinemann-Foundation for Education and Art and enjoy this issue of the LP magazine.

Kind regards,

Ralf Leinemann

Content

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Südlink

High Voltage power line is about to be approved

Construction machinery is starting up for one of the most important new power lines in Germany. In any case, the cables have already been ordered

Cable laying for a high-voltage transmission line: The special cables laid in the excavated trench are first covered with a special fill before excavators refill the trench with soil

written by Volker Bormann; Photo: Südlink

The switch to a climate-neutral electricity supply urgently requires additional transmission lines in Germany to transport the electricity generated by onshore and offshore wind farms from the north to the south. Südlink and Südostlink are two of these links. They have been in the German grid development plan since 2012, and since 2013 they have been considered necessary and urgent for the energy industry.

Südlink will start at Brunsbüttel and Wilster in Schleswig-Holstein and lead to Großgartach near Heilbronn and Bergrheinfeld near Schweinfurt. The starting point of Südostlink is Wolmirstedt near Magdeburg. The link will run from Saxony-Anhalt via Thuringia to Bavaria and end near Landshut. In both cases, the electricity will no longer be transported by overhead lines on the familiar lattice towers, but in underground cables, as high-voltage direct current.

On medium and long distances, direct current lines are more efficient than alternating current lines because the transmission losses are lower. However, the electricity must be converted into DC for transport and converted back into AC at the destination.

In recent years, the corridors with a maximum width of one kilometre have been identified and defined with great effort. In addition to the requirements of spatial planning and technology, the respective subsoil, soil conditions and nature and species protection had to be taken into account. For a more detailed delimitation of the corridors, the commissioned expert planners are currently working out within the framework of the planning approval procedure where the power cables are to run in the ground - down to the metre.

The German-Dutch grid operator Tennet TSO GmbH will build and operate the Südlink route together with TransnetBW. In any case, the contract for the production and laying of the cables has been awarded since 2020. Leinemann Partner are supporting Tennet as legal advisors with the construction task and are already involved with the first issues of the project. In view of the size of the project - the total cost of the project is currently estimated at 10 billion euros - the Tennet legal department wanted competent support with extensive experience in construction and public procurement law. Leinemann Partner is one of the law firms they are relying on. Currently, planning and construction contracts are being drafted, tender documents are being evaluated and/or prepared and conceptual work is being carried out in preparation for the main construction phase of this huge project.

Legally and technically, the Südlink connection consists of two sub-projects, each with several sections. The bottom line is that the route will ultimately have four gigawatts of transmission capacity. This capacity is sufficient to supply around ten million households with electricity. The cables are elaborately sheathed in plastic to protect them from external influences.

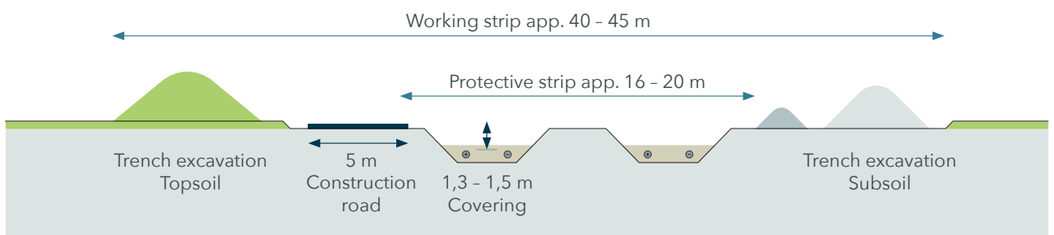
For the high-voltage cables, open trenches with a depth of about two metres are usually made, into which the cables are laid and then covered over again. The covering consists of a special bedding material for the cable as well as the previously removed excavated soil. Where necessary, environmentally sensitive areas or existing infrastructures such as railways, rivers or roads are crossed in a closed manner, i.e. bored under.

Instead of laying four long cables over the entire 700-kilometre route, individual strands of up to two kilometres in length are laid and connected to each other with special sleeves. Like the cables themselves, they are no longer visible on the surface after they have been laid.

The laying work requires space for construction vehicles and excavated earth next to the cable trenches, so that a total strip of 30 to 45 metres in width is occupied. Once the laying construction work is completed, the area above the cable can be used for agriculture again. As a precaution, however, it must be kept permanently free of forestry and remain undeveloped. The protective strip required for this is between eight and 20 metres wide.

The manufacturers of the underground cable system with all its components already guarantee a service life of around 40 years. However, Tennet assumes a significantly longer service life. Originally, it was planned that Südlink would go into operation in 2023. According to this plan, however, the electricity was still to be transmitted in overhead lines. However, since the federal government later decided to transmit the electricity through underground cables, the project had to be completely rescheduled. The completion date was also postponed: it will now take until 2028 before the first electricity flows through the underground cables.

Regelprofil: Stammstrecke 525 kV



On a trunk line, two pairs of lines lie in parallel trenches

Infographic: Südlink

Tunnelling

Crossing in the depths: Tunnel under the Fehmarnbelt

A new connection between Denmark and Germany is currently being built at a depth of thirty metres. But before cars and trains can travel here from mid-2029, technically and legally demanding tasks have to be mastered

The German construction site near Puttgarden on the island of Fehmarn: work is currently underway on the German portal and the working harbour

Photos: ortophot/Femern A/S

The tunnel elements are assembled under water after being towed in from the working harbour

Before excavation, sheet piles were placed around the future German tunnel portal

Between the German island of Fehmarn and the southern Danish island of Lolland lie 18 kilometres of the Baltic Sea, in the bottom of which an enormous channel is currently being dredged along its entire length: on average 12 metres deep and up to 50 metres wide at the bottom. The excavated material of about 19 million cubic metres will then be largely reused for land reclamation on the Danish side.

After the bottom of the channel is stabilised with a gravel bed, it forms the foundation for 89 tunnel elements, which are cast in concrete in Rødbyhavn on Lolland in a specially built factory: The standard elements are 9 metres high, 42 metres wide and 217 metres long. A standard element is wider and longer than most container ships used in the Baltic Sea.

After production, the tunnel elements, each weighing 73,000 tonnes, are fitted with watertight bulkheads at both ends and transported by tugboats to the respective location in the Fehmarnbelt. There, they are lowered into the tunnel trench by floating cranes and positioned to within one and a half centimetres of the neighbouring element. An intermediate space is created between the bulkheads of the neighbouring tunnel elements, which is initially filled with seawater. Pumping out this water creates a large negative pressure. The pressure difference ensures that the two elements are joined precisely and watertight.

Thomas Hildebrandt,
Specialist lawyer for construction and architectural law as well as public procurement law, Hamburg

Rasmus Gersch,
Specialist lawyer for construction and architectural law, Hamburg

Photos: Femern A/S, Leinemann Partner

Giant dredgers at work

The tunnel elements each contain two tubes for the motorway and two tubes for rail traffic. Another tube is used for maintenance and supply. In addition, special elements are laid every two kilometres to provide additional underground floors for the tunnel technology.

Together, these tunnel elements will ultimately make up the longest immersed tunnel in the world to date. It will connect Germany and Denmark.

Of course, this international project is also challenging from a legal point of view - and this is precisely where Leinemann Partner comes into play. Leinemann Partner's Hamburg office and Rasmus Gersch's team are advising the international consortium "Femern Link Contractors" on a wide range of legal issues. The focus is currently on legal advice during construction on the German side and on drafting contracts with subcontractors, planners and suppliers. In this regard, but also in legal questions in connection with changes in the law since the award of the contract in 2015, the current price developments for energy and building materials, or even in labour law issues, Leinemann Partner are always on hand to provide advice and assistance to Femern Link Contractors. So there is also a lot to do legally before you can travel from Fehmarn to Lolland in seven minutes by train and ten minutes by car.

Maglev train

New chance for the maglev

On long distances, the elegant technology has not yet been able to establish itself on the market. For the city traffic of tomorrow, it is an option

For more than a hundred years, magnetic levitation trains have repeatedly caused a sensation. When the Franco-American Émile Bachelet demonstrated the first prototype of a levitation train in front of a large crowd in London in 1914, the world was amazed above all by the sheer feasibility: a train without wheels, without conventional tracks and locomotive, a contact-free glider, faster than anything that had existed before, without generating friction and vibrations. At the time, Bachelet had wanted to use magnetic technology to transport mail between London and Liverpool. However, the project was not realised.

The last time magnetic levitation trains were a big topic in Germany was thirty years ago: a consortium of Siemens and ThyssenKrupp had brought the technology to operational maturity within twenty years under the name "Transrapid" with state funding. The performance data were outstanding, especially for the time: top speed of up to 550 km/h, achievable within a few minutes, enormous climbing power and almost wear-free operation, as neither friction nor vibrations stressed the material.

Even then, however, it was clear that the Transrapid would not conquer Germany on a large scale - landscape, federal structure and bureaucracy always made the routes too expensive in the end and their construction too lengthy. In addition, there were massive objections to the required elevated route, which somehow frightened many people. So it remained with a test track in Emsland, too little to make the Transrapid a bestseller, at least internationally. The only Transrapid still in regular operation today is in Shanghai and connects the city with its exhibition centre on the outskirts of the city. The line is about 30 kilometres long and was inaugurated at the end of 2002.

For Germany and German companies, magnetic levitation trains were no longer an issue, at least since the failure of the planned line between Munich airport and the city centre and a serious accident on the test line in Emsland in 2006. The Transrapid disaster in Emsland was due to human error, but the problems with the realisation of showcase lines in Germany were now compounded by image damage. Since then, the Transrapid was effectively dead in Germany.

It seemed surprising, therefore, that Max Bögl in the Upper Palatinate is now focusing on maglev technology again. Unlike the Transrapid planners, the Bögl engineers are developing their "Transport System Bögl" (TSB) magnetic train for comparatively low speeds of up to 150 km/h and for inner-city connections. In Sengenthal, south of Neumarkt in the Upper Palatinate, Bögl has already been operating a good 800-metre-long test track at a company-owned sand pit since 2012. In 2021, another 3.5-kilometre-long TSB demonstration track was realised in Chengdu, China. On the occasion of the ITS World Congress 2021 in Hamburg, a cargo demonstration facility was shown at the Port of Hamburg.

The Max Bögl Group is a Bavarian company with a long tradition, founded in 1929 by its namesake and continuously growing into a construction group since the end of the Second World War. Today, the company employs over 6,500 people at 40 locations worldwide and has been a client of Leinemann Partner from the very beginning. As the construction of transport routes has been part of the construction group's service portfolio since the post-war period, the development of a complete system consisting of a magnetic railway with associated track is strategically consistent and promising in view of the requirements for the traffic of the future. "I am pleased that Ms Leinemann and her team are providing us with legal advice and support in TSB as well as in other areas," says Dr Bert Zamzow, Head of Central TSB at Max Bögl.

The TSB maglevs run fully automatically, i.e. without a driver. The installed electronics have already proven themselves in trams for decades, so the maintenance personnel are dealing with familiar components. Bögl manufactures the track parts with integrated magnet technology industrially in the Sengenthal factory and transports them from there to the installation site. Here, the company benefits from its expertise in the production of large concrete components.

written by Volker Bormann

Fast and quiet on short distances: the Bögl maglev train

The Bögl railway also needs a track, but it can be at ground level, on stilts or in tunnels. The cars are just under three metres wide, twelve metres long and hold up to 127 passengers. In the technical jargon of transport experts, the carriages are called "sections", two to six of which can be coupled to form trains. The powerful electronic control system allows such trains to run every 80 seconds, so that the TSB can carry up to 35,000 passengers per hour and direction. Unlike the Transrapid, the TSB is not about high technology and absolute top speeds, but about the very normal advantages of the maglev: operation is quiet, frictionless, low-wear, the track can be guided very flexibly and the system can manage the change from an elevated track to a ground-level track much more easily than the classic railway. Max Bögl has developed an attractive alternative to the suburban railway and for regional transport, which does not have to fear comparison with the railway in terms of price.

Photo: Firmengruppe Max Bögl

NRW Welfare Foundation

How losing can make you happy

Spielbank Hohensyburg

Casinos are a profitable business model. In Germany, as in many other countries, the state retains the exclusive right to operate them, which is why the casinos in our country are institutions of the federal states. However, they are legally obliged to use a considerable part of the revenues from the state casinos for public, charitable, church or benevolent purposes.

For this purpose, the state of North Rhine-Westphalia uses the NRW Welfare Foundation, which is a public-law foundation. Every year, it has about 20 million euros from casino profits at its disposal and uses them to support charitable organisations, such as residential facilities for people with physical or mental disabilities, therapy centres to combat addiction, and homes for the elderly and nursing homes. Among other things, building measures, the procurement of equipment or the employment of specially trained staff are supported. The aim behind everything is to help people with physical or social disadvantages to have a better quality of life. Through this diversions, gambling losers end up making other people happy who might otherwise become losers in society.

This is where Leinemann Partner comes in. According to the relevant administrative regulations, grant providers such as the NRW Welfare Foundation are obliged to check after the project has been implemented whether the public funding was actually used in accordance with the purpose of the grant. This audit is no trivial matter, which is why the Foundation secured the expertise of Oliver Schoofs and Marie Luise Büngeler from the Leinemann office in Düsseldorf.

The verification of the use of funds raises a multitude of questions regarding public procurement law. Even grant recipients organised under private law are obliged to comply with public procurement law through the provisions of budget law and the General Auxiliary Provisions to the Grant Decision (ANBest). Since not all grant recipients are familiar with this particular area of law, violations of procurement regulations can occur. In the worst case, there is a risk that the funding amounts will be reclaimed, which of course should be avoided.

In addition, it must be checked whether the public funds were used in time and in accordance with the purpose of the grant and the funding guidelines of the NRW Welfare Foundation. This was the main focus of the audit, especially in the case of larger building projects, as it is well known that delays and rising building costs can often occur compared to the stipulations in the funding decision. After all, funding agencies have a certain amount of discretion at many points in the audit of the proof of use. This makes it possible in individual cases to remedy violations that are initially detected, for example, by requesting supplementary documents or by extending the deadline.

Oliver Schoofs,
Specialist lawyer for construction and architectural law and Public Procurement Law, Düsseldorf

If, in the worst case, a claim for repayment is made, interest must usually be paid on the amounts.

In all of this, the basics of administrative procedural law must also be observed - reason enough for the foundation to call on the expertise of the Leinemann Partner team.

Photos: Spielbank Hohensyburg, Leinemann Partner

The federal states must use the profits of their casinos to a large extent to promote social causes

Photo: kaysha/unsplash.com

Accelerate construction works

Bridge construction at express speed

Until now, bridge construction was a waiting game. But now, with new technology, many bridges can be built much faster

Wiepke is a community of 200 people in the Altmark and lies on the Zichtauer Bäke, a small stream. In terms of transport, the village is actually well connected. Anyone travelling on the Federal Highway B71 between Magdeburg and Salzwedel would inevitably pass through. If it weren't for the old arched bridge over the Bäke.

It dated back to 1910 and was so dilapidated that a new bridge was due. Construction work began at the end of May 2022, which is why the B71 had to be completely closed for half a year. This meant kilometre-long detours in both directions via the widely scattered neighbouring villages.

This is currently happening a thousand times over in Germany: ten years ago, the German Institute of Urban Affairs rated about 10,000 of 67,000 municipal bridges as no longer fit for renovation, so that they would have to be replaced. About 19 percent of the bridges were "inadequate" and "insufficient". In addition, there are almost 40,000 bridges on federal motorways and trunk roads such as the B71, many of which need to be completely renovated or replaced. The consequences: massive traffic obstructions, traffic jams, loss of time and increased exhaust pollution. Depending on the location and traffic conditions, the construction of a new bridge can take almost two years. Two Leinemann Partner clients have now initiated important innovations in bridge construction.

The Osnabrück-based Echterhoff Group has done something about such long construction times. What conventional bridge builders need 180 days for, Echterhoff express bridges can do in 19 days, such as the bridge at Afferder Weg on the Autobahn A1 near Unna. "83 percent of the CO2 footprint left by a bridge structure in its lifetime is caused by traffic congestion during its construction period," explains Theo Reddemann, managing director at Echterhoff. The enormously short construction time of the express bridges is therefore a substantial contribution to climate protection. The highlight: Echterhoff's express bridges are assembled from prefabricated parts. This does not only lead to rapidly short construction times, but also makes it possible to use better concrete qualities. Moreover, the prefabricated parts can be produced in local factories, so that the transport routes can be kept short and the load on other bridges during transport can be kept low. And: The bridge is recognised as a so-called standard construction method, so it does not require individual approval by public authorities.

Echterhoff express bridge
crossing the A3 near Hamminkeln

But what makes the precast construction method so much faster? It saves a lot of time-consuming formwork at the construction site, which is required for the bridge itself and for auxiliary structures in conventional bridge construction. Of course, some components of the Echterhoff express bridges also have to be built in place. But the prefabricated parts also serve as formwork, which simply remains in the bridge. This so-called lost formwork saves the time-consuming dismantling of conventional formwork elements after casting.

Max Bögl, a large, family-run company with a long tradition from Neumarkt in the Upper Palatinate, also delivers bridges at high speed. The Bögl modular bridges are also made of prefabricated parts and are erected within about 60 working days in a single-shift operation. The modules are designed in such a way that they only need to be laid and clamped together on site. Max Bögl thus largely manages without additional concrete from surrounding concrete plants, which is used, for example, in conventional construction methods to set components in concrete. "In-situ concrete is not suitable for our requirements," explains Claus Berndorfer, who helped develop the modular bridges at Max Bögl. "We use self-compacting concrete in the factory, which consists of finer material and is mixed with only the minimum of water necessary. It flows like honey into the moulds and, after curing, is much more resilient and resistant than concrete poured on site. That's why our bridges can beused for traffic immediately without an additional covering and asphalt surface," says Berndorfer.

The Bögl modular bridges are supposed to last 70 to 100 years. In addition, the modules can be replaced if necessary. All that is needed is to release the bracing, then damaged modules can be lifted out and replaced. The components are so precisely cast and ground with CNC machines that they can be lined up perfectly. The first modular bridge that Max Bögl built seven years ago as a pilot project still looks like new today, says Berndorfer. Recently, the Bögl modular bridges have also been granted a general construction type approval. This means that clients are no longer dependent on individual approvals. The boom on the „Ruckzuck bridges“ may start now.

With prefabricated components, bridges can be built far more quickly than with traditional methods. Only with very large and high bridges are not suitable for this method

written by Volker Bormann; Photo: Max Bögl

Photo: Echterhoff

Bidding consortium

Four female lawyers and a European Football Championship

Berlin is one of the host cities of the 2024 European Football Championship. Legal advice to the state of Berlin in the course of preparing and staging the tournament has been awarded to a team of four lawyers – Leinemann Partner are among them

Berlin, with its **Olympic Stadium**, has won the bid to host the European Championships

Our lawyers actually advise on many different procurement procedures. However, legal services themselves are sometimes put out to tender for such advisory mandates: The state of Berlin wanted to prepare for the UEFA Euro 2024 at an early stage. After winning the bid to host the European Championship, the state put legal services out to tender - in all matters of contract and liability management, sports law, event compliance, procurement procedures and the legal protection programme.

Many German cities had applied to be the venue. The Berlin Olympic Stadium with its capacity of more than 70,000 spectators made an award to Berlin as good as certain. At least six European Championship matches will be held here.

The stadium also has special significance for Leinemann Partner, because a Leinemann team already advised the general contractor from 2000 to 2004 with regard to the entire reconstruction of the Olympic Stadium for the 2006 World Cup. Berlin has promised the German Football Association (DFB) extensive services for the upcoming tournament. After all, the UEFA Euro 2024 should also be a memorable football experience for all fans.

Leinemann Partner cover some of the legal areas involved in the organisation and staging of the European Championship Games - especially public procurement law. Thus, Eva-Dorothee Leinemann, Mandy Risch-Kerst and Luise Klufmöller from Berlin and Anne Jakob from Frankfurt came up with the idea of pooling their capacities and providing legal advice for the (men's) European Football Championship as a bidding consortium of exclusively consisting of female lawyers. The professional division of tasks among them was obvious: Leinemann (public procurement law), Risch-Kerst (intellectual property and IT law), Jakob (sports law) and Klufmöller (copyright and media law). The colleagues are also certified specialist lawyers for each of these four areas of law.

The bidding consortium joined forces as the law firm cooperation "Eventlawyers" and submitted a bid to the state of Berlin. The awarding authority was the Senate Department for the Interior and Sport. Obviously, the Eventlawyers were able to convince, because in early summer 2021 they were awarded a "framework contract for legal services - support and advice" by the State of Berlin.

The four female specialist lawyers have been advising the Host City Berlin in their respective fields of law ever since. Numerous services are procured by the State of Berlin in the context of this major tournament and are advised by the specialised female lawyers and the notary from Eventlawyers. The mandate covers all legal issues in event, sports, security and creative matters, as well as assisting in the procurement of numerous services in the context of the tournament. One of the highlights of the Eventlawyers bid was the four-minute video produced by a professional filming team about the lawyers' consortium . In addition to outdoor shots in the Tiergarten and in front of the Brandenburg Gate, most of the filming took place in Leinemann Partner's offices in Friedrichstraße. A special challenge was the video scene in which the four female lawyers pass footballs to each other. "Fortunately, we are not expected to actively participate in the tournament," says Eva-Dorothee Leinemann, "but drafting the offer was a lot of fun for us - so it was all the nicer to be awarded the contract in the end."

Eva-Dorothee Leinemann, notary and specialist lawyer for public procurement law, Berlin

Photos: Samuel Svec/unsplash.com, Leinemann Partner

New clinic building

Göttingen University Hospital gets a contemporary new building

The current buildings are outdated. A construction company specially founded for this purpose is organising the erection

After years of planning, Göttingen University Hospital will soon be getting the first of three new buildings: For a budget of 425 million euros, the core of patient care will be renewed, namely the surgical centre as well as the cardiac, neurological and emergency centre.

A cross-location Leinemann team led by Bastian Haverland from Hamburg and Jarl-Hendrik Kues from Frankfurt is involved in everything from awarding contracts to construction consulting and construction supervision. Jonas Deppenkemper from Frankfurt and Andreas Rosenauer and Kai Linnemannstöns from Hamburg also support the team for the Göttingen construction project.

The sporty term "team" is justified here, because the requirements were also sporty: in order to obtain the mandate, the team first won a competition (so-called pitch). Then things got going straight away, because the project had extraordinarily short deadlines, so that a whole slew of services had to be provided at top speed. "This can only be achieved by a law firm with a broad-based team of experts that can even draw on several locations. We are thus demonstrating a new level of performance," explains Bastian Haverland.

The current university hospital in Göttingen is a treasure from the seventies and does no longer meet today's requirements for a modern research hospital for quite some time. In 2017, the state of Lower Saxony created a loan-financed special fund of around 2.1 billion euros for such cases, with the help of which the investment backlog at Lower Saxony's university hospitals is to be alleviated. The new building in Göttingen will also be subsidised from this special fund.

The University Medical Center Göttingen (UMG) is a hospital operator with 61 clinics, institutes and departments and 1,450 beds. Around 290,000 patients are treated here every year, 225,000 of whom are outpatients. Together with the umbrella company Bauvorhaben Hochschulmedizin Niedersachsen (DBHN), UMG has founded its own construction company, BauG UMG. It has been operational since 2020 and is responsible for the construction of the new clinical building projects.

The upcoming new construction of the hospital core is to be followed later by a new paediatric and intensive care clinic and, in a third construction phase, a new diagnostic centre.

Bastian Haverland, specialist lawyer for construction and architectural law as well as public procurement law, Hamburg

The new University Hospital in Göttingen as a computer drawing

Composing: UMG/nh; Photos: Leinemann Partner

Residential real estate

Creating a portfolio of Condominiums in Leipzig

Leipzig in twilight: the city has many old stylish residential buildings

Residential real estate is basically a safe investment. However, their yield can sometimes be elegantly increased. This is especially true for buildings in attractive locations with high-quality fittings. Then some property owners or investors have the promising option of dividing their property portfolio into condominiums. The division of real estate is carried out according to the Condominium Act (WEG). According to Section 8 (1) WEG, the owner of a property can divide the property (i. e. an residential building) into co-ownership shares by means of a notarial deed vis-à-vis the land registry in such a way that separate ownership is associated with each share.

Since 2021, Michael Göger and Shushanik Röcker from Leinemann's Berlin office have been assisting a British investor, Schultes Limited, with the division of an impressive property portfolio in Leipzig in accordance with the WEG. In doing so, the lawyers advised the client on all legal issues and accompanied the entire coordination process between the architects, authorities, notaries and the property management company.

The property portfolio comprises a total of 18 apartment buildings. Some of these are splendid old buildings in very sought-after locations that date primarily from the Wilhelminian period between 1870 and 1914. Columns, capitals, reliefs, pilasters, ornamental knobs and occasionally crowning attachments were the stylistic features of this period and therefore characterise the portfolio.

Special attention had to be paid to the new § 250 of the Building Code (BauGB) relevant for the division of residential property. It came into force in its current version on 23.06.2021 and regulates the formation of residential property in areas with tight housing markets. Here, the competent authority may prohibit the division of residential property.

What constitutes an area with a tense housing market is determined by the state governments through legal ordinance. For Berlin, the Senate issued a corresponding ordinance shortly after the new § 250 BauGB came into force. Thus, there was also a risk for Leipzig that the Saxon state government would issue such an ordinance. The division of the real estate portfolio would then only have been realisable with the approval of the competent authorities - and this approval is usually difficult to obtain.

Michael Göger,
lawyer, Berlin

However, the Leinemann team was able to clarify directly with the Leipzig authorities that such a regulation is not planned in Saxony - at least not in the near future. So in future, the charming Schultes properties will be managed and operated by condominium owners, and the investor can channel his capital into new projects.

Photos: kiwihug/unsplash.com, Leinemann Partner

Hydrogen trains

Traditional railway is being rebuilt

A regional track connection between Berlin and its area in the north is to be restored in the vicinity near future. Also involved: Hydrogen trains and Leinemann Partner

The Heidekrautbahn is soon to run on hydrogen

The Heidekrautbahn has always been a much-used railway connection between Berlin and the northern hinterland. But even today, more than thirty years after German reunification, the original route of this traditional connection, which was changed by the construction of the Berlin Wall and other events, is only partly in operation as a regional train (RB27).

The line was established in 1901 by the Reinickendorf-Liebenwalde-Groß Schönebecker Eisenbahn-AG, which later became the Niederbarnimer Eisenbahn-AG (NEB), and expanded over the years. For decades, it handled a significant part of the rapidly growing passenger volume between the stations Berlin-Wilhelmsruh and Groß Schönebeck in the Schorfheide. As early as 1907, a good seven million passengers a year commuted between Berlin and the towns in the northern hinterland.

The construction of the Berlin Wall in 1961 interrupted the line between Wilhelmsruh and Basdorf, about 14 kilometres to the north. The line was partially shut down, Wilhelmsruh station was demolished and the tracks dismantled. In the following decades, the main line was still used in sections before operations here also came to an end. Since the turn of the millennium, the NEB has been working on reactivating the former core of the line: The Wilhelmsruh station is to be rebuilt in a slightly different location, and a new superstructure will enable trains to run at 80 km/h.

The reactivation of the Heidekrautbahn is part of the i2030 infrastructure project, in which the states of Berlin and Brandenburg have joined forces with the VBB and other project partners besides the NEB to improve the rail infrastructure in the Berlin region in order to meet the growing demand. The NEB expects around 2,500 additional passengers a day on the newly established line. If everything goes according to plan, it could be ready in a good three years.

The existing NEB network is already well received. What began 120 years ago as passenger and freight transport is now used daily by thousands of commuters and excursionists. After all, the surrounding communities in Oberhavel and Barnim as well as in the north of Berlin have developed into attractive residential areas since reunification; the varied landscape and tourist destinations attract recreation-seekers from Berlin. Currently, the RB27 line runs from Berlin-Karow via Basdorf to Groß Schönebeck and Schmachtenhagen. Since 2011, there have also been a number of additional services directly to Berlin-Gesundbrunnen.

Eight new stations are to be built on the new old trunk line from Berlin-Wilhelmsruh via Schildow to the connection with the existing line at the Schönwalde branch. Together with the two federal states and the Berlin-Brandenburg transport association, the NEB plans to use hydrogen trains on its routes in the future. A tendering procedure for the procurement of such environmentally friendly railcars is underway. Hydrogen trains generate their own electricity with the help of fuel cells. The only exhaust gas produced is water vapour.

Jasper Strehlow,
Specialist lawyer for insurance law, Berlin

Leinemann Partner supported NEB in all contractual and procurement law issues in connection with the general planning contract for the design and approval planning.

Photos: Alstom/Rene Frampe, Leinemann Partner

Electrical construction machinery

Building without noise and exhaust gas

Quiet and low-emission – that's how many builders want things to be on construction sites. This can also be achieved with the help of electric construction machines. Meanwhile, the range of battery-powered excavators, wheel loaders and tippers is growing. The machines are already amazingly powerful

There are a number of side effects that make construction sites a nuisance for residents and passers-by: Barriers, traffic obstruction, noise, exhaust fumes. While detours for passers-by and road traffic are usually unavoidable, noise and exhaust pollution can be limited. For this reason, local authorities are increasingly demanding measures against noise and exhaust fumes, especially for construction sites in built-up areas. This is where electrically powered construction machines come into their own.

They work quietly, are as strong as an ox and protect the health of the workers who operate them and those who work in their vicinity. What's more, they already come in a respectable size: the world's largest electric dump truck currently has a total weight of 123 tonnes when loaded. In contrast, the largest dump truck in the world is a Russian giant. Loaded, it weighs around 800 tonnes, moved by two diesel engines with a total output of 3,500 kilowatts. Such a behemoth is out of place on normal construction sites; the giants work in quarries and in open-cast mining.

The smallest construction machines, on the other hand, include rammers - they, too, are best operated by battery. Rammers compact the subsoil where large rollers cannot be used. However, rammers are a noise and smell nuisance par excellence, namely when they get their power conventionally from two-stroke or four-stroke engines. Powered by batteries, they are easier on the hearing and respiratory tracts, especially of the workers who operate them and the people in the vicinity. The power from the batteries can compete well with that of the fossil-fuelled competition, and one battery charge is enough for a standard working day. Only the heaviest equipment currently relies on power from diesel engines.

Moreover, battery-powered rammers are also more economical than their combustion engine competitors: The electric motor is maintenance-free and electricity as an energy source is still significantly cheaper than petrol and diesel. Ideally, therefore, battery-powered rammers cost just under a third of what two-stroke and four-stroke rammers cost to operate.

Incidentally, the rammers were invented by the long-established Dresden company Wacker, which brought an electrically powered ramming machine onto the market as early as 1930. Shortly before the end of the Second World War, however, the Dresden factory was completely destroyed. The political circumstances thereafter led Wacker to Bavaria, where the company became one of the nuclei of today's Wacker Neuson Group.

> »We are noticing that reservations are decreasing and many customers are recognising the advantages in practical use.«
>
> **Silke Oberhauser**,
> Head of Creative & Marketing at Wacker Neuson

Through a series of mergers and acquisitions, the construction equipment division of the Austrian hydraulics specialist Neuson was added, as well as the southern German Kramer-Werke, which had brought the first four-wheel steer wheel loaders onto the market with great success. Today, Wacker Neuson has everything it needs to operate a construction site completely emission-free. "We have seen the demand for e-machines steadily increase since we launched the first products in our zero-emission range in 2015. We have noticed that reservations are diminishing and many customers are recognising the advantages in practical use," explains Silke Oberhauser, responsible for Creative and Channel Marketing at Wacker Neuson.

This is in line with a trend that has also been evident for some years at Bauma, the world's most important trade fair for construction and building materials machinery, construction vehicles and equipment, and mining machinery. It takes place every three years in Munich and has offshoots in China, India, South Africa, Russia and Latin America. The major players in the construction machinery world regularly present electric-powered innovations here, such as mini-excavators, wheel loaders, tippers and compact excavators. In addition, large electric rotary drilling rigs, telescopic loaders and laying machines for paving stones are already on the market. There are also hybrid machines, such as excavators that are powered by an electro-hydraulic unit as an alternative to diesel operation.

With regard to climate protection, the electrification of construction machinery is of course only helpful when the electricity for the batteries has been generated in a climate-neutral way. This also applies to the hydrogen alternatives that are currently being tested: Hydrogen reacts with oxygen in fuel cells, producing electricity and water vapour. However, hydrogen must first be obtained - from water, which is broken down into its components with the help of electricity. Here, too, the whole thing only becomes environmentally friendly when regeneratively generated electricity is used.

Before masses of electric construction machines can be used, a few things still need to be considered: How are the batteries charged, how often do they have to be charged, how is the electricity required for this supplied to the construction site? At Wacker Neuson, electric construction machines are only developed so that their battery charge is sufficient for a normal working day.

Nevertheless, in public tenders, statements will have to be made as to whether and to what extent the use of such machines will earn additional points. In this case, a bidder with a higher price could still come out on top because he can build with zero emissions and low noise.

written by Volker Bormann

The Kramer 5055e is a fully electric, four-wheel steer wheel loader. The battery charge is enough for a day shift

Photo: Kramer

Offices in Germany and 10 contact partners

Leinemann Partner have installed offices in the largest German cities. Every Office is headed by one or more partners. Potential clients without a personal contact may get in touch with one of the partners listed below.

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Foto: Leinemann Partner

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Foto: Leinemann Partner

Notary goes online – video-notarised in no time!

In company law, notarial video authentications and certifications are permitted since 01.08.2022 if there is a local connection to the notary's office. In the case of notary Eva-D. Leinemann, it must be about an entry in the commercial register in Berlin or the applicant must live in Berlin. Under these conditions, a face-to-face appointment can be avoided and the certification takes place via video conference with the notary. Even if standard hardware is sufficient on the client side - the devil is in the detail. Up-to-date identity documents must be available, including the PIN of the identity card. If necessary, the firewall has to be overcome. The biggest hurdle, however, was to use the notary app in such a way that the photo from the passport could be read. Together with lawyer Timm Schoof, notary Eva-D. Leinemann tested all conceivable problems and forgot about the initial hurdles. Now she says: „I am happy to finally be able to notarise online", because the technology works.

Paraphernalia
of the digital certification

The notary app
reads the passport

Photos: Timm Schoof

Scope of application

Since 01 August 2022, notarial certifications for the formation of a GmbH or UG (limited liability company) as well as all applications to the commercial, cooperative and partnership registers have become to happen online. Anyone who is appointed managing director or wants to change the business address of their company no longer has to visit the notary on site, but can have the certification done from anywhere. These authentications are then carried out via the video communication system of the Federal Chamber of Notaries (BNotK). This is very convenient for all those who have a long way to go to the notary's office or when things have to be done very quickly.

Our notary Eva-Dorothee Leinemann has already gone through the online incorporation process. How does it work?

The notary sends the acting persons an invitation link with which one can register for the notarial online procedure. As soon as all preliminary organisational questions have been clarified (e.g. are all ID cards still valid?), the video conference can be scheduled by the notary. To participate in a notarial online procedure, you need a PC, laptop with webcam, microphone and a stable internet connection, as well as a smartphone with NFC reading capability (standard for smartphones nowadays) and the notary app. The notary app can be downloaded free of charge from Apple's App Store and the Google Play Store.

Identity card and passport required

Very important: Even with online notarisation, identity must be established. As a rule, you need two valid identity or passport documents in order to be legally identified in the video conference. The BNotK system even automatically checks whether the identity document presented has been forged or stolen.

- ☛ German nationals need their identity card with ID PIN and a passport in addition. The ID card PIN is sent as standard when the ID card is issued. If the PIN letter has been misplaced, German citizens can order a new PIN letter online *(www.pin-ruecksetzbrief-bestellen.de)*.
- ☛ Other EU nationals: Union citizen card with EU identity card and additionally a suitable passport. Non EU-nationals may not use notarial online services yet.

Notary Eva-Dorothee Leinemann is pleased that her notary's office can now offer clients this convenient option for notarisation: If even bank accounts can now be opened online, online notarisation is an important step towards simplifying legal acts that routinely occur. For example, clients can now form companies online in Berlin from anywhere, as the local connection to the notary's office will no longer apply in future.

Eva-Dorothee Leinemann,
Notary and certfied lawyer for public procurement law, Berlin

Incidentally, online incorporation costs almost the same as incorporation in person at the notary's office. There is only an additional flat rate for expenses of 25 euros for the certification procedure via the video communication system and 8 euros for certifications. The only additional costs are 25 euros for the certification procedure via the video communication system and 8 euros for certifications.

War on the edge of Europe – force majeure affects contracts

By Ralf Leinemann

Anyone who thought that the Covid 19 pandemic was already a rare exceptional case of force majeure was proven wrong from 24 February 2022 onwards. The Russian attack on Ukraine, which was completely unexpected by (almost) everyone, triggered unforeseen consequences. The exemplary closing of ranks of Western democracies resulted in extraordinarily harsh economic sanctions against Russia, the consequences of which are being felt in drastic ways in both the energy and raw materials markets. In addition, Ukraine fell out as a supplier for many products, either in whole or in part. The German public was somewhat surprised to learn, for example, that Ukraine has a very large production of cable harnesses for the automotive industry, the failure of which led to weeks of downtime in a number of European car plants.

Ralf Leinemann,
Certified lawyer for construction and architectural law as well as public procurement law, Berlin

The consequences of this war for the construction industry and the procurement procedures for awarding public contracts were not initially thought of when considering the consequences of the war. In the meantime, however, these consequences have fully caught us and must also be taken care of legally.

The decision of the German Federal Court of Justice (BGH),in which the Covid 19 pandemic is classified as an event of force majeure (judgement of 12 January 2022, XII ZR 8/21), is still very recent. Now the next event is coming - a war, not in our country, but so close that the effects can be felt everywhere.

Statutory section 313 BGB is the decisive provision for this, the frustration of purpose of the contract. According to a circular issued by the Ministry of Construction and the federal of Transport on 25 March, it is clear that at least the federal government recognises the consequences of the Ukraine war as an event of force majeure. Force majeure is one of the cases of frustration of purpose according to § 313 BGB. However, this does not automatically mean that all resulting consequences must be borne by the client of a construction contract. First of all, it must be clear that the risks of material price increases do not lie with the contractor (in the award procedure with the bidder) from the outset.

Contractors of a construction contract as well as bidders for construction services bear the risk for the procurement costs of the construction materials and fuels they require to execute the works. For this purpose, supplier quotations with price commitments are obtained during the bidding phase. Certain fluctuations occur here and there, but on the whole there is calculability and a justified expectation that the prices of offered as well as concluded contracts will be adhered to. The basis of award procedures and concluded contracts is that the prices in a bidder‘s offer are fixed and can be fixed within the binding period as well as over the construction period. If it is not possible to obtain binding offers for building materials and to conclude binding supply contracts for them in terms of dates and prices. a bidder would have to take an unusual risk contrary to Section 7 EU (1) No. 3 VOB/A. This is precisely not a contractor risk.. Therefore, even a typical contractual assumption of risk cannot go that far.

The invocation of force majeure is also possible if a war does not directly touch Germany with armed actions, but its effects are directly felt here, although it takes place at a considerable distance. This was also the case, for example, after the eruption of the Icelandic volcano Eyjafjallajökull, when flight bans caused numerous flights to be cancelled (BGH, judgement of 18.12.2012, X ZR 2/12). It is the consequences of force majeure that lead to a disturbance of the basis of the contract.

In the concluded contract, the contractor is entitled to an extension of the time for the construction pursuant to Section 6 (2) No. 1 c VOB/B. However, this does not give rise to claims for additional payments, because the contracting authority has neither issued instructions nor is responsible for the delay event. In the award procedure

Asphalt mixing plant: the short-term doubling of bitumen prices as well as rising energy costs have a full impact on the asphalt price

it is even more difficult: Here the contracting authority sets the deadlines. If the effects of force majeure persist after conclusion of the contract, an extension of the construction period will also apply here. Deadlines in the award procedure should be extended, but it will be difficult to enforce this unless an unusual risk arises from deadlines that are too short.

In order to address the issue of uncertain price commitments with suppliers, the Federal Government has decreed in a circular from the Ministry of Construction dated 25.03.2022 that for steel, aluminium, copper, petroleum products, epoxy resins, cement products, wood and cast iron pipes a price escalation should be agreed in accordance with form 225 of the VHB Bund for ongoing award procedures. Unfortunately, this hardly helps to improve the calculability of tender prices. The index mechanism of this price escalation clause is unsuitable for rapid and drastic price fluctuations. In this case, bidders must check on a case-by-case basis whether they can live with such clauses. If necessary, an award cancellation must be issued. Bidders may be able to plead that an already submitted bid price is no longer adequatedue to the force majeure event. In this case, a new examination of the adequacy would have to be carried out pursuant to Section 16d EU sub-section 1 no 2 VOB/A. The same applies if no delivery price was submitted or if delivery dates are no longer be fixed. And: According to the BGH ruling of 11.11.2014, X ZR 32/14, a bidder may not be forced into the conclusion of a contract in which he will suffer heavy losses and if this is known to the awarding authority. The situation is much more difficult if the contract has already been concluded. Even if it is clear that the basis of the contractis serious affected, it must be proven that it is unreasonable to adhere to the contract. In the Federal Circular of 25.03.2022, unreasonableness is only deemed to exist if the price increase amounts to 10-30%, i.e. an average of at least 15% of the contract value. And even then, the federal government wants to assume a maximum of half of the proven additional costs. This is difficult for construction companies to accept, as they usually calculate only 3-4% profit margin.

In the meantime, however, case law no longer applies fixed thresholds. In the landmark „screed-ruling“ of 2011, the BGH specifically recognised for a construction contract that the extremely low margins of the construction contractors must be an important yardstick for assessing the unreasonableness of being bound to the price. According to the BGH it is important „that the overall financial result of the contract not only eats up the contractor‘s expected profit but also leads to losses (cf. BGH, judgement of 23 January 2003 - VII ZR 210/01, BGHZ 153, 311, 324 f.)“. In that case, adherence to the price agreement is „often no longer reasonable“ (BGH, judgement of 30 June 2011, VII ZR 13/10, marginal no. 30). In the specific case, the price increase caused by the frustration of purpose of the contract was still below ten percent of the total contract price. Nor can it be proven by court decisions that the client - as the Federal Government and also Deutsche Bahn believe - bears a maximum of 40-50% of the additional costs and the rest falls to the contractor. This must be based on the specific situation; there is simply no fixed formula. In many cases, half is too little.

Shortly after the start of the Ukraine war, Leinemann Partner drew up a detailed legal opinion of 07.03.2022, which was widely distributed by the German construction industry associations, among others. Legally, a demanding task lies ahead, especially since the war situation has a very perceptible monetary and, in part, threatening effect on the contracting parties. Contracting parties are therefore well advised to put all problems on the table quickly and to find solutions together that make it possible to continue building quickly. In construction law, we call this the duty to cooperate. For the client, it is important to prevent delays that inevitably occur because force majeure under § 6 Para. 2 No. 1 c VOB/B leads to an extension of the construction period, perhaps even to a standstill. Contractors should disclose their purchasing options and, if necessary, postpone purchasing decisions in consultation with the client in order to be able to take advantage of price reductions that may occur at short notice or to coordinate advance purchases of materials. There are more ways to alleviate problems than just negotiating a price adjustment. Dealing with each other in a trusting and cooperative manner will certainly be the best way to deal with the consequences of the Ukraine war.

Photo: Max Bögl Company Group

Demonstrations, like this one at the Brandenburg Gate in Berlin, keep the climate debate alive in the public eye

Stimulus for the economy, relief for future generations

The German Federal Constitutional Court's climate ruling of March 2021 is a much-publicised decision: according to it, parts of the old Climate Protection Act were unconstitutional. Kristin Beckmann and Malte Offermann explain the judges' reasoning and what the amendment of the law means for the economy and society.

By Kristin Beckmann & Malte Offermann

HOW THE LAW WAS ORIGINALLY DRAFTED

The German Federal Climate Change Act (KSG) of 2019 contained regulations to help curb global climate change. It was based on the Paris Climate Change Agreement, which among other things aims to limit the increase in average global temperature to „well below 2 degrees Celsius and, if possible, to 1.5 degrees Celsius above the industrial era".

To this end, the KSG stipulates that greenhouse gas emissions are to be gradually reduced in order to achieve the long-term goal of greenhouse gas neutrality by the year 2050. This means that from 2050 onwards, only as much greenhouse gas should be produced in Germany as can be removed. To this end, the KSG envisaged reducing greenhouse gas emissions by 55 per cent by 2030. In order to achieve this goal, the KSG specified permissible annual emission levels for the various economic sectors „energy sector", „industry", „buildings", „transport", „agriculture", „waste management and other" and „land use, land use change and forestry".

A specific emissions reduction path was thus set until 2030. However, the KSG did not contain any regulation on how greenhouse gas emissions were to be reduced from 2031 until greenhouse gas neutrality was achieved in 2050. The federal government was merely authorised and obliged to determine this in the future.

HOW THE FEDERAL CONSTITUTIONAL COURT ARGUES

The Federal Constitutional Court Bundesverfassungsgericht declared that the German legislature had not taken sufficient precautions on how to implement the emission reduction obligations after 2030 in such a way that the fundamental rights of the population would not be unduly restricted. The judges saw in this already the danger of a disproportionate impairment of fundamental rights in the future. This is because every quantity of emissions permitted today reduces future leeway. The maximum residual greenhouse gas budget for Germany calculated by the German Advisory Council on the Environment (Sachverständigenrat für Umweltfragen) on the basis of the Paris Climate Agreement would already be almost completely used up by the emission volumes permitted until 2030. This would result in a much higher reduction burden for the period after 2030, which would inevitably lead to profound impairments of freedom. In this respect, it is declared unconstitutional that there are no transparent requirements in the Climate Protection Act of 2019 for dealing with the only small remaining emission possibilities after 2030 and the resulting disadvantages. Climate protection measures that are currently omitted would have to be taken in the future under possibly even more unfavourable conditions and would then curtail freedom rights all the more drastically.

Photo: Nico Roicke/unsplash.com

Bundesverfassungsgericht in Karlsruhe: the German Constitutional Court is famous for its long standing rulings in favor of individual rights towards state authorities.

HOW THE FEDERAL GOVERNMENT REACTED

Already seven weeks after the decision of the Federal Constitutional Court, the Federal Government reacted with a draft amendment law; the amendment came into force on 31 August 2021. Among other things, it now provides for a tightening of the reduction path: Unlike in the 2019 version of the KSG, greenhouse gas emissions must now be reduced by 65 per cent instead of 55 per cent by 2030. In addition, a further interim target has been added on the way to complete climate neutrality - which is now to be achieved as early as 2045: By 2040, a reduction of 88 percent is envisaged. In this way, the unavoidable burdens on the path to climate neutrality are to be distributed more evenly and not largely shifted into the future.

WHAT THE DECISION MEANS FOR THE ECONOMY

The decision of the Federal German Constitutional Court initially only directly obliges the state to design climate protection measures in such a way that they comply with fundamental rights and ensure that climate protection goals are achieved.

However, the amendment to the KSG and the tightening of the reduction path contained therein also have an indirect effect on companies. It is to be expected that environmental aspects will play an even greater role in public procurement. Companies that generate most of their turnover from business with the public sector will therefore have to pay more attention to climate-friendly processes.

In addition, numerous specialised laws are expected to be enacted in response to the amendment of the KSG. In order to reliably achieve the new goals, targets, incentives and subsidies for greenhouse gas reduction will be introduced. To this end, the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety had already made some proposals accompanying the draft amendment. Among other things, these deal with a „pact for climate-friendly production in Germany" for the transformation of classic industries with high process emissions - such as the steel industry and the cement industry.

Another focus of the „Climate Pact" is on climate-friendly mobility. The expansion of the rail infrastructure and the power charging infrastructure is likely to be driven forward, so that increased construction and supply orders can continue to be expected here. To ensure the savings targets in the building sector, the federal government has decided to promote the energy-efficient refurbishment of residential buildings and social housing as well as climate-friendly new buildings with an additional 5.5 billion euros. Moreover, an increase in the CO_2 price is to be expected, which means that the coal phase-out will probably take place earlier than planned. This in turn makes the expansion of renewable energies more urgent. In particular, solar expansion and the expansion of wind power plants could be accelerated, which should lead to correspondingly more orders in this area.

Kristin Beckmann,
Lawyer, Cologne

Malte Offermann,
Lawyer, Cologne

Photo: Klaus Eppele/AdobeStock, Leinemann Partner

Planning & Environmental Law

The public law team

Christoph Conrad, Berlin

Annett Hartwecker, Berlin

Hauke Meyhöfer, Hamburg

Before building can begin, a permit must be obtained. Whether it is a simple building permit, a planning approval decision or a BImschG permit for industrial plants, a construction project does not just begin with the tender, but long before that with the conceptual design, the examination of the approvability, official clarifications, if necessary additional expert opinions, hearings and many other steps until the permission is created.

Leinemann Partners have repeatedly assisted clients in this phase in the past, even without being particularly well known for its public law expertise in the past. In particular, the increase in clients in the area of industry, trade and commerce, but also in public companies, has in the meantime resulted in such a strong demand for advice on public law issues that a public law competence team has now been installed.

Coordinated by Berlin partner Christoph Conrad, who has also been a specialist lawyer for administrative law for several years (in addition to being a specialist lawyer for construction and architectural law), the Leinemann Public Law team will in future deal with all licensing and environmental law issues. The team includes Katharina Molitor and Annett Hartwecker from the Berlin office and Hauke Meyhöfer from the Hamburg office. All of them have already accumulated some experience, particularly in matters of zoning and environmental law. Further growth of this specialised group - at all Leinemann offices - is definitely desired. The team has been working particularly intensively in recent months on the site selection and approval situation for a new car factory in Wolfsburg, close to the well-known Volkswagen parent plant. In addition to this lighthouse project, the team has already dealt with planning approvals under railway law, approval procedures for large-scale retail trade, individual building permits, urban development contracts and BImschG procedures for waste plants, building materials and industrial operations. We also advise on nature conservation law, immission control law, land law and energy law. Permission granted - let‘s go!

Fotos: Leinemann Partner, privat

Rapid legal aid for Ukraine refugees

Vladislava Zdesenko, Igor Zarva (LL.M.) and **Shushanik Röcker** (LL.M.) (from left) have been supporting those seeking help for a few months now

The drastic consequences of the Ukraine war are still being felt, especially for those fleeing. A team from Leinemanns‘ Berlin office joined forces to provide help. Vladislava Zdesenko, Shushanik Röcker and Igor Zarva have been supporting those refugees seeking help in legal matters for a few months now - because in addition to providing accommodation and food, legal counselling is also an important part of initial care. Those affected often have to struggle with existential problems that also involve legal issues: from the right to asylum and the right to stay to applying for state assistance and many other areas of law.

In addition, the focus was also on language support, especially when it comes to translating notices from the authorities, filing applications or finding contact points for advice on issues such as residence, work permits or medical assistance. Various offers of help and sources of information are provided, for example, by various lawyers‘ associations.

„It is natural for us to help,“ emphasises Igor Zarva, who himself grew up in Ukraine and has family members there. The feeling of being able to give something back is motivation enough, as is the great gratitude one experiences.

The Leinemann-team from the Berlin office continues to offer support to refugees in need and hopes that this positive example will encourage other colleagues to join in – because every bit of help counts.

Queens of Structure

The exhibition „Queens of Structure“, which took place from 20 October to 27 November 2022 in Basel on Theaterplatz, is on the borderline between art and engineering. It is about presenting the achievements of dedicated female civil engineers from the past and present. All too often in the very male-dominated civil engineering profession, the contribution of women engineers is overlooked. This exhibition pays tribute to projects by 16 female civil engineers representing a wide range of activities. The positions from diverse subject areas make the diversity of challenges and individual approaches visible.

It is a touring exhibition that was first presented in summer 2021 at the Technical University of Berlin, then in Dresden. For the exhibition in Switzerland, works by the Swiss women Madeleine Weber and Salome Hug were added. In the outdoor space in front of the Basel Theatre, the portrayed female civil engineers were presented on free-standing panels.The Leinemann Foundation for Education and the Arts was happy to support this interesting project to better represent the female contribution in civil engineering.

Exhibition view „Queens of Structure“ in front of the TU Dresden, May 2022

More information at
queens-of-structure.org

Photos: Leinemann Partner, Verein Queens of Structure CH

Social Events

Finally meeting together again!
The 2022 annual retreat took place near Milan at the end of April. In the wonderful ambience of a large Italian palazzo, the Leinemann family of lawyers enjoyed various culinary highlights - an evening barbecue was followed by Italian specialities at the gala dinner the next day.
In addition to programme sections on corporate strategy and personal development, there were interesting guest lectures: Christoph von Marschall, chief foreign affairs correspondent of the Berlin newspaper "Tagespiegel", and Wolfgang Bosbach, former CDU member of the Bundestag, sparked lively discussions on political topics that brought many ideas. The enthusiasm to be at the forefront of Germany's transformation to climate neutrality and the review of a very successful business year also fuelled the great atmosphere. The group picture is showing all lawyers attending

On the occasion of the Leinemann retreat
on 6 September, Mr Karl- Heinz Strauss, CEO of the of Porr AG, gave a fascinating lecture on the future of construction, on developments on the markets and technology in the years ahead.

Foto Blind Blinder

Wilhelm Klotzek, An der Ecke, 2027, steel, lacquer, 250 × 155 × 110 cm

Exhibition: Wilhelm Klotzek in Reutlingen

The Leinemann Foundation for Education and Art supports the Kunstverein Reutlingen with the exhibition „Wilhelm Klotzek. Palais-Palais!“ Wilhelm Klotzek is a sculptor from Berlin. His works often deal with the „havoc and oddities of life, art and architecture“. One of his life-size cigarette figures has long been on display in Leinemann Partner‘s Frankfurt office, the sculpture „An der Ecke“ (On the Corner) from 2017. The originality of these cigarette figures always makes for cheerful faces. In Reutlingen, the Kunstverein initially failed to mobilise enough supporters for the exhibition during the Corona phase. When the call for help came from Reutlingen, however, the Leinemann Foundation immediately agreed, because Wilhelm Klotzek‘s works deserve to be exhibited outside his Berlin home. A major presentation of many of his important works tookplace in Reutlingen. at the Wandel-Hallen, Eberhardstraße 14 in Reutlingen, until January 2023.

Photos: Courtesy Wilhelm Klotzek und Klosterfelde Edition;
Foto: Volker Renner, © der Künstler

The **New National Gallery** of the architect Ludwig Mies van der Rohe on Potsdamer Strasse in Berlin shines again

Reopening of the New National Gallery

The New National Gallery in Berlin designed by Ludwig Mies van der Rohe celebrated its reopening on 22 August 2021 after six years of renovation. The building is considered the last independent work of the architect Ludwig Mies van der Rohe. For the first time since its opening in 1968, it has now been extensively renovated and technically brought up to date. The whole thing was done so carefully that one almost feels transported back to the original opening day. Three exhibitions were shown at the opening: In the large glass hall, works by the sculptor Alexander Calder, a contemporary of Mies,. On the spacious lower collection floor, the National Gallery is presenting numerous major works from its collection under the title „The Art of Society 1900-1945“. The Leinemann Foundation for Education and Art took on the sponsorship of the third exhibition. Here, the Berlin-based film and media artist Rosa Barba showed 15 cinematic and sculptural works under the title „In a Perpetual Now“ in an expansive steel construction whose architectural structure refers to Mies van der Rohe‘s early project „Country House made of Brick“.

The catalogue of the National Gallery‘s collection was also presented in time for the opening. The Nationalgalerie owns one of the world‘s most important collections of 20th century art. The two-volume inventory contains 1,800 works from the period 1905 to 1945, impressively documenting the development of art with works ranging from Expressionism, Dadaism or New Objectivity to other national and international trends. The Leinemann Foundation for Education and Art supported the publication of the inventory catalogue with a generous grant.

Foto: New National Gallery in Berlin


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