

IJGlobal ESG Legal Adviser – DLA Piper

Angus Leslie Melville

19/10/2022

DLA Piper has been sweeping the board for ESG trophies this last year... and this trend continues with the law firm winning the IJGlobal ESG Legal Adviser for 2022.

Early this year, it led the field for law firms by walking the walk on an environmental front by signing a corporate PPA with NextEnergy for the energy generated from a solar farm in the UK, as part of its drive to reach decarbonisation targets.

It is the first law firm anywhere in the world to undertake a corporate PPA, demonstrating its commitment to reduce its own carbon footprint through innovative solutions. Meanwhile DLA Piper also signed up to decarbonising and halving its emissions in absolute terms by 2030.

As Natasha Luther-Jones, DLA Piper's international head of sustainability and ESG and global co-chair of the energy and natural resources practice, said at the time of the signing: "We are the first law firm to enter into a corporate PPA so this project is a true statement of our ambition to be one of the most impactful business law firms for sustainability."

"The firm has advised on over 1,000 renewable energy deals and projects over the past decade and it has been a real pleasure to apply the deep expertise that we have gained over this period to our own need to decarbonise."

The independent panel of judges was, however, deeply impressed by the broader submission with one saying: "DLA Piper has been providing strong expertise across decarbonisation sectors, and it's good to see its involvement in critical mineral supply chains."

Another added: "DLA Piper has done some innovative work on PPAs, the ESG due diligence and the creation of the first VER standards – which all appear to show a level of innovation, and consequential impact, far greater than simply following their clients' deals."

Yet another judge singled out the law firm for praise based on its "impressive focus on the social element of ESG, particularly gender imbalance" as well as the "breadth of work in the renewable energy space – including carbon markets".

In its submission, DLA Piper draws reference to the work it has done with an Australian Government Agency that is responsible for the funding and support of more than 35 national sporting organisations.

There is broad recognition that gender imbalance exists in leadership roles in the sports community across the world, and in this case DLA's client challenge was to help with significant under representation of women in senior roles within the funded sports.

The client's objective is to correct gender imbalance in key leadership roles across all funded sports, with stated gender diversity aspirations to be realised by the 2032 Olympics. Its role in setting the tone for gender balance is vast and without a genuine focus on D&I it could seriously reduce its ability to deliver on its objectives.

According to the submission: "We took a business-led change approach to assist our client to achieve their goal of improving gender diversity within the high performance leadership of Australia's Olympic, Paralympic and Commonwealth Games sports. We worked extensively with stakeholders to identify the cause of imbalance, set ambition with senior leadership (including time frames) and developed implementation plans and road maps."

Beyond that impressive piece of work, the DLA submission focused a great deal on its involvement in the renewable energy space... leading with its work with major industrial conglomerate BASF.

BASF faces significant risks associated with ESG issues and DLA has been supporting it in efforts to reduce its carbon footprint through acquiring renewable assets.

DLA advised BASF on the acquisition of a 49.49% stake in Hollandse Kuist Zuid offshore wind farm. Once operational, it will be the world's largest such facility with a total installed capacity of 1.5GW. BASF's total commitment amounts to around €1.6 billion.

The firm also advised BASF on its largest ESG-driven procurement of renewable energy, biogas and emission allowances, including investment in the world's largest offshore wind park off the Dutch coast, long-term zero subsidy PPAs with Orsted, Engie and Vattenfall, purchase of biogas and biogas certificates to green its GHGP scope 1 emissions from onsite gas generation and the purchase of EU emission allowances and Voluntary Emission Reductions (VERs) to reduce its Scope 1 and Scope 3 emissions. The work also included working on PPAs for the creation of green hydrogen.

The submission reads: "The work included in particular a portfolio of pay as produced, pay as forecast and fixed volume PPAs and as well as various trading agreements on the basis of ISDA, EFET and DRV standards, together with a number of investment agreements, joint operating, O&M and EPC contracts for its investor share in the Dutch wind park."

"As a leading carbon markets legal adviser, we are deeply embedded in the EU trading bodies, and the only law firm in EMEA to have worked on standard documentation for 3 major industry organisations, including the European Federation of Energy Traders, RECS International and the eminent Carbon Markets and Investors Association."

"A focus on carbon credits is an important risk mitigator in the fight against climate change. We also advised Rabobank on its first carbon removals units trade as well as the creation of world's first forestry VER Standards – the Acorn Standard verified by Plan Vivo – including advising on all emission reduction purchase and sale documentation, the regulatory requirements for the Acorn Standard as well as financial services regulation and authorisation exemption procedures under MIFID for VERs created under the Acorn Standard."

Picture added after IJGlobal ESG Awards 2022: Natasha Luther-Jones leading the DLA Piper team alongside IJGlobal editor Ila Patel and editorial director Angus Leslie Melville.





Thank you for printing this article from IJGlobal.

As the leading online publication serving the infrastructure investment market, IJGlobal is read daily by decision-makers within investment banks, international law firms, advisory firms, institutional investors and governments.

If you have been given this article by a subscriber, you can contact us through www.ijglobal.com/sign-in, or call our London office on +44 (0)20 7779 8870 to discuss our subscription options.