

District heating in Berlin: Luther successfully advises the State of Berlin in the bidding process for the acquisition of Vattenfall Wärme Berlin

Berlin, 19.12.2023 – On 19 December 2023, the state of Berlin concluded an agreement with the Swedish state-owned company Vattenfall via a holding company to acquire Vattenfall Wärme Berlin Aktiengesellschaft (VWB). In addition, the state has an option to acquire Vattenfall's stake in GASAG AG. Luther Rechtsanwalts-gesellschaft advised the State of Berlin comprehensively on this transaction.

With the Berlin district heating network operated by VWB, the state of Berlin is acquiring the largest district heating network in Western Europe. VWB's heating business employs around 1,700 people and supplies around 1.4 million residential units with hot water and heat. For the state of Berlin, this transaction represents a significant step towards the remunicipalisation of the energy infrastructure in the state of Berlin. The transaction is linked to an option to acquire a stake in GASAG AG, which supplies over 800,000 household and commercial customers with electricity and/or gas. Completion of the transaction is subject to the approval of the Berlin House of Representatives and merger control clearance.

The conclusion of the contract was preceded by a bidding process and an intensive negotiation phase following the conclusion of an exclusivity agreement with Vattenfall. Luther provided comprehensive and interdisciplinary support to the State of Berlin with an experienced team led by M&A partners Dr Björn Simon and Dr Christian Horn. In addition to transaction-related advice including the GASAG option, Luther's support also included advice on energy law, regulatory, merger control and capital market law as well as the legal structuring of the carve-out. Especially in the area of energy and infrastructure transactions, Luther has a renowned team of specialised lawyers with transaction experience who are well known in the market. This project underlines the high level of expertise of our practice in transactions in a highly regulated environment and represents a further milestone in advising on large-volume M&A transactions in the energy sector.

Luther's transaction team was supported by Luther.Solutions' Legal Project managers in this complex and tightly scheduled transaction.

On behalf of the State of Berlin:

Luther, Corporate/M&A: Dr Björn Simon, Dr Christian Horn (both Partners, both lead), Philipp Dietz (Partner), Dr Michael Bormann (Partner), Dr Jörgen Tielmann (Partner), Dr Andreas Vath (Partner), Dr Carsten E. Beisheim (Partner), Dr Johannes Becker (Counsel), Dr Moritz Mentzel (Counsel), Dr Sven C. Stumm (Senior Associate), Anton Spinty (Senior Associate), Dr Pia Rademaker (Senior Associate)

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Luther, Energy and Antitrust Law: Dr Holger Stappert (Partner), Dr Helmut Janssen (Partner), Gerd Stuhlmacher (Partner), Franz-Rudolf Groß (Counsel), Cosima Flock (Counsel), Ekkehard Hübel (Counsel), David Wölting (Senior Associate), Christoph Schnoor (Senior Associate), Martin Lawall (Senior Associate)

Luther, Employment and Pension Law: Prof. Dr Robert von Steinau-Steinrück (Partner), Dr Paul Gooren (Partner), Dr Marco Arteaga (Partner), Dr Annekatriin Veit (Partner), Nina Stephan (Counsel)

Luther, Tax Law: Ulrich Siegemund (Partner), Dr Frank Seidel (Counsel)

Luther, Finance Law: Christoph Schauenburg (Partner), Stefan Jokel (Senior Associate)

Luther, Real Estate Law: Doreen König (Partner), Florian Schwuchow (Counsel), Dr Frederic Tewes (Senior Associate)

Luther, Environmental Law: Dr Sabrina Desens (Partner), Dr Mathias Mailänder (Counsel), Bernhard Burkert (Counsel)

Luther, IP/IT Law: Dr Stefanie Hellmich (Partner), Dr Maximilian Dorndorf (Partner), Pierre Daniel Wittmann (Senior Associate), Lutz Keller (Senior Associate)

Luther, Commercial and Distribution Law: Dr Johannes Teichmann (Partner), Rebecca Romig (Counsel)

Luther, Public Procurement Law: Dr Rut Herten-Koch (Partner)

Luther, Litigation: Daniel Latta (Partner)

Luther, Legal Project Management: Milena Mühlenkamp (Luther.Solutions), Tobias-Michael Fuchs (Luther.Solutions)

Luther Rechtsanwaltsgesellschaft mbH

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Luther works closely with other commercial law firms in all the prevailing jurisdictions. Luther is a founding member of unyer (www.unyer.com), a global organisation of leading professional services firms that cooperate exclusively with each other.

Luther Rechtsanwaltsgesellschaft mbH is a law firm with a business approach: our innovative awareness aspires us to provide our clients with customised legal advice that addresses individual needs and delivers the greatest possible economic benefit. All of Luther's lawyers and tax advisers have a solid understanding of interdisciplinary matters and a wealth of experience in collaborating on complex tasks. In 2023, Luther was honoured as JUVE Law Firm of the Year for Public Procurement Law and JUVE Law Firm of the Year for Distribution, Trade and Logistics. Further information is available at: www.luther-lawfirm.com.

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