

29 September 2014

Success for State of Berlin with Luther: EU state aid procedure against partial privatisation of Berliner Wasserbetriebe is closed

Brussels/Berlin – At the beginning of September 2014 the European Commission has closed the procedure against the partial privatisation of Berliner Wasserbetriebe which was initiated by a state aid complaint three years before. Luther Rechtsanwaltsgesellschaft mbH advised the State of Berlin in this procedure on EU state aid and public procurement law.

Transparency International Deutschland e.V. and the consumer association Verbraucherzentrale Berlin e.V. submitted the complaint before the European Commission in June 2011. They claimed that the State of Berlin had promised, and granted in the following years, illegal state aid with regard to the partial privatisation of Europe's largest municipal water supply and waste water disposal company. Thus, the private shareholders, for example, did not bear any entrepreneurial risk, but benefitted from a profit guarantee due to profit distribution rules fixed in a consortium agreement. Moreover, the State of Berlin violated public procurement law. The European Commission, however, did not agree and now closed the procedure.

Since 1999 RWE and Veolia held an economic interest of 49.9 percent in Berliner Wasserbetriebe. Since 2013 the State of Berlin owns 100 percent again. Luther also advised the State of Berlin on the repurchase of the shares from the private shareholders.

On behalf of the State of Berlin

Luther Rechtsanwaltsgesellschaft mbH, Cologne: Elisabeth Lepique,
(Managing Partner, Lead Partner)

Luther Rechtsanwaltsgesellschaft mbH, Hanover: Ulf-Dieter Pape,
(Partner, Public Procurement Law)

Luther Rechtsanwaltsgesellschaft mbH, Brussels: Dr Helmut
Janssen, LL.M. (London), (Partner, EU state aid law)

Brief Profile Luther

Luther is a leading German commercial law firm that offers comprehensive legal and tax services. The full-service law firm employs over 350 lawyers and tax advisors and is represented at 11 German economic centres and at important investment locations and financial centres in Europe and Asia with international offices in Brussels, London, Luxembourg, Shanghai and Singapore. Our clients are medium-sized enterprises and large corporations, as well as the public sector.

Luther works closely with other commercial law firms in all the prevailing jurisdictions worldwide. On the Continent, Luther is part of a group of independent leading law firms who have worked together for many years on joint cross-border projects. Luther is also the German member of Taxand, a global organisation of tax advisory firms.

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. Our lawyers and tax advisors have a solid understanding of interdisciplinary matters and a wealth of experience in collaborating on complex tasks. Further information is available at: www.luther-lawfirm.com

Press contact

Katja Hilbig

Press Officer

Phone +49 221 9937 25070

Mobile +49 1520 16 25070

katja.hilbig@luther-lawfirm.com

Daniel Reitz, LL.M. (Stellenbosch)

Public Relations Manager

Phone +49 221 9937 25098

Mobile +49 1520 16 25098

daniel.reitz@luther-lawfirm.com