

[GGSC] English Profile

As a specialized law firm, Gaßner, Groth, Siederer & Coll. [GGSC] focuses strongly on environment law, construction law, energy law, and public commercial law. Nevertheless, our work is not limited to these fields but also encompasses public funding law, public procurement law, corporate law, bankruptcy law, property law, tax law, as well as municipal law, and municipal tax law.

The law firm comprises a team of more than 36 lawyers and 2 business professionals and operates from offices in Berlin and Frankfurt (O).

Together with the eponyms Hartmut Gaßner, Dr. Klaus-Martin Groth und Wolfgang Siederer, the additional partners of law firm are Caroline von Bechtolsheim, Katrin Jänicke, Dr. Achim Willand, Dr. Jochen Fischer, Dr. Sebastian Schattenfroh, Jens Kröcher, Dr. Frank Wenzel, Dr. Gerrit Aschmann, Dr. Joachim Wrase, Linus Viezens and Dr. Georg Buchholz. Furthermore, there are a several salaried partners.

1. Energy Law and Climate Protection

"Energy Law and Climate Protection" is a mainstay of [GGSC]. Alongside the focus on renewable energies and special issues, such as the nuclear legislation and radiation protection legislation, [GGSC] covers almost all areas of the energy sector.

We are at the cutting-edge and often participate in the legislative process when it comes to the legal support of climate protection concepts and energy projects. From a political and technical point of view, the legal representation of associations, ministries and high level authorities with regard to research, draft laws, and legal representation in court is an ideal complement to our multi-faceted project experience in the medium-sized business sector.

Interrelations and synergies of the energy sector exist with the aspects of planning, construction, infrastructure, business administration, finance, as well as with procurement law. Planning and economic issues are important for the realization of energy projects and transactions on a regular basis. The process for innovative business concepts such as municipal and/or civil energy projects can also frequently raise questions of procurement law and municipal management.

Even in our own offices we focus on climate protection.

[GGSC] is a member of several organizations such as: EnergieVerein, Forum für Energierecht, Energiepolitik und Erneuerbare Energien e. V. – (www.energieverein.org). [GGSC] lawyers sit on relevant legal advisory boards in various fields of the renewable energies.

2. Waste Management and Waste Law

Advising public waste management authorities and local waste disposal companies in matters of waste management and waste law has been a major focus of [GGSC] for more than 25 years. The number of public waste management authorities (cities and municipalities, counties, special-purpose associations and local institutions) and local waste disposal companies (municipally owned businesses, equity holdings) advised by us, sums up to 230 facilities throughout the country. We have been working for numerous clients for many years.

In the field of waste management we repeatedly offer expert opinions for associations, government departments and state agencies. [GGSC] regularly voices its opinion regarding draft legislation. Our expertise is requested at parliamentary hearings at the federal and state levels.

Since 1999, each year in early summer we organize our two-day information seminar "Municipal Waste Management - Exchange of Experiences" to which we welcome about 300 participants every year. We are very pleased with this success. Our event concept has been awarded with the PMN Management Award in 2013.

[GGSC] is a member of Förderkreis VKS which is part of the VKU - Verband kommunaler Unternehmen e.V (association of municipal enterprises), of the ANS (Arbeitskreis für die Nutzbarmachung von Siedlungsabfällen, Working Group for the utilization of municipal waste) and of Deutsche Gesellschaft für Abfallwirtschaft (German Association for Waste Management).

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3. Planning, Construction, Infrastructure

Since its establishment [GGSC] accompanies public planning processes and private construction projects of all sizes and often continuously from the initial idea to the bringing into service.

In the early beginnings of such projects we formulate the legal basis for the development, as by organizing regional planning or development plan processes, by legally securing the partition of land, by making land developable in regard to civil law or by clarifying legal questions related to land or building infrastructure.

Consequently, we participate in all phases of the construction project by accompanying the necessary approval procedures, drafting and negotiating building and planning contracts, providing claim or defect management in the planning and construction phases or by clarifying questions regarding fees and compensation.

We have decades of expertise with regard to specific administrative requirements for the execution of construction and portfolio management in the area of urban planning law and historic preservation.

The main task of our legal work with regard to planning and construction projects is to ensure that conflicts will not arise. We contribute by ensuring that conflicts of interest are negotiated, regulated, and solved beforehand, so the project can proceed smoothly. As a result, the number of lawsuits with regard to our projects is low. When necessary, however, we also fight for the interests of our clients before administrative and civil courts.

Advising on construction projects includes the monitoring of public procurement procedures. [GGSC] has participated in, supported, and carried out successfully a variety of procedures according to the VOB/A and VOF regulations for public sector clients.

4. Tendering Procedures and Public Procurement Law

[GGSC] has actively participated in the advancement of EU public procurement law and made it a focal point of its legal consultancy.

We organize and participate in public procurement procedures, especially by tendering for different areas of municipal services, by complex investment tenders, construction projects, and – not to forget– by tendering for complex procurement and investment projects such as PPP projects or partial privatization. We offer our support even with regard to tendering for freelance services (VOF) and architectural competitions as well as in competitions beyond public procurement law.

In cooperation with our clients, we create concepts and draft contract documents to support our clients in the examination and evaluation of tenders and thus ensure compliance with public procurement law.

Because of our expertise, [GGSC] is regularly entrusted with clarifying legal doubts concerning public procurement, for instance when it comes to property sales, inter-municipal cooperation or the procurement law freedom with regard to in-house procurement. We provide advice to ensure legally admissible contracts and assist during cooperation projects and incorporations.

We represent contracting authorities or tenderers in revision procedures. We have represented contracting authorities in actions brought against the European Commission to check the compatibility of contracts with European procurement law. Finally, we deal with litigation concerning public procurement law violations with regard to the award of public procurement contracts beneath the threshold values.

[GGSC] regularly takes part in the public debate on public procurement law through publications, lectures or in-house seminars. Our consulting experience plays part in legislation and EU reform projects.

5. Municipal Services and Municipal Law

[GGSC] stands for the comprehensive consulting of local authorities. We advise on how to carry out tasks, on how to organize municipal services, and on all issues of municipal law.

In addition to municipal waste management and urban land-use planning, the focus of our municipal consulting lies on all aspects of municipal services such as water supply and sanitation, municipal transportation, and energy supply by municipal public utilities; we also assist municipal authorities in all other fields.

[GGSC] offers an outstanding expertise in all areas of law relevant for municipalities. We advise on all aspects of municipal tax law, municipal service law and municipal law, organizational and corporate law, state aid law, and public procurement law.

We offer comprehensive strategic advice on selecting the appropriate organizational form to exercise municipal services, on developing local business plans, and we assist during the "re-municipalisation" of tasks.

6. Food and Genetic Engineering

Good quality, transparency, consumer protection, fair competition and environmental compatibility are important goals in food production and agriculture. [GGSC] also faces these tasks in other fields of work. Industrial production, the environmental impact of agriculture, food scandals, inadequate consumer information and genetic engineering resulted in a loss of consumer confidence and helped the organic sector to a sustained boom in the past years.

In the area of food law, we advise organizations and companies of the organic food sector on organic food and organic farming. Other covered areas are general food law and labelling, health protection and consumer protection, agriculture, and environmental protection. [GGSC] branched out to food law after initial consultations in the field of genetic engineering law.

As cultivation of genetically modified plants as well as the placing on the market of animal feed and food produced from genetically modified organisms (GMOs) increase, so do the legal conflicts. We support organizations, businesses and government agencies working for a "GMO-free" production, transparency for consumers (labelling requirements) and protection from unintended release of GM material.

Together with the support of several organizations [GGSC] has fought for the "honey - ruling" of the ECJ for affected beekeepers. This ruling is crucial to the strict application of genetic engineering law in the area of food and feed production. We represent food producers and authorities in courts with the aim to prevent the uncontrolled spread of GMOs and to ensure adequate protection from unwanted entries. As a result, [GGSC] was instrumental in two important decisions of the German Federal Administrative Court on genetic engineering in recent years.

An important task is to advise companies during the conversion of production to non-GM foods and on corresponding labelling.

7. Environmental Law and Environmental Conservation

In our fields of work we deal with a multitude of environmental concerns. Our ecological focus is reflected in many years of experience and consulting in diverse areas of environmental law. The best and most appropriate conflict resolution for us means to search for solutions that are economically and socially acceptable. For years now, approval processes and the environmental impact assessment offer us a framework in which we consult on so different matters as nuclear law, water law, waste case law or construction law. The field of "water law" includes water permit processes, groundwater management and remediation, flood protection, and river development. In the conflict between environmental protection and economic development there is also environmental remediation and the soil protection law. The pollution control and traffic noise protection in accordance with the European and German pollution control law is part of our routine when it comes to organizing approval procedures. Moreover, for a variety of projects we focus on conservation law.

We intensively work on projects for government departments, associations and research institutions in which strategies are developed to address previously unsolved ecological problems. We develop draft legislation to anchor climate instruments in various fields of law, for instance with regard to the reduction of land consumption, the ecological development of building regulations, and the development of material flow law.

A major focus of our legal consultancy in this context lies on organizing environmental management. [GGSC] offers the rich experience of specialized lawyers with regard to the implementation and effectiveness of environmental laws and regulations.

[GGSC] lawyers are often requested to offer expert opinions at hearings of the German Bundestag and the parliaments of the federal states of Germany.

8. Business and Finance

"Business and Finance" stands for the economic and business advisory expertise of [GGSC]. Our economists, [GGSC] lawyers, and technical advisers support mostly municipal infrastructure projects from the initial idea to realization and operation. At the crossroads of technology and law, we evaluate the economic viability, we create acceptance and help in its realization.

For our projects we create complex economy simulations and diverse scenario analyzes. These form, among others, the basis for negotiations with banks as well as for obtaining funds to finance the projects. As part of our ongoing project consultation, we develop with our partners concepts for risk management and install the necessary control instruments.

Over the past years we have supported numerous energy and water supply projects, especially the construction of district heating infrastructure. Furthermore, we are at the cutting edge when it comes to geothermal energy. In Germany we helped realizing seven projects and have been supporting their operation for years. We are also involved in the preparations for numerous other national and international projects.