

# Energy & Infrastructure

## Battery storage

**According to the European Climate Law, EU countries must reduce net greenhouse gas emissions by at least 55 per cent by 2030. Furthermore, the EU is to become climate-neutral by 2050. Achieving these targets will require a revolution in the energy market. The storage of electrical energy will play a central role in this transition, acting as a buffer at the interface between volatile electricity generation and consumption and helping to make the energy system more flexible, efficient and sustainable.**

In addition to the technical challenges, the legal and regulatory framework conditions applicable to a battery storage\* project must also be considered. Planning, permitting and energy law requirements have a huge influence on the development of new business models. Both at EU and national level, there exist several legal requirements that are relevant to electricity storage. In Germany in particular, legal aspects can be found in various laws and ordinances which are continuously being adapted.

Our Energy & Infrastructure Industry Group provides you with comprehensive legal support for your battery storage projects, from legal advice on securing land, planning and permitting requirements under public law to dealing with the EU Battery Regulation and the various marketing options. We can advise you on investments and the structure of contracts along the entire value chain. We channel our considerable expertise across all areas of practice. Our team has many years of experience in advising on public law, energy law and regulatory issues that are relevant to your battery storage projects.

### Our legal advice

- Identification of the EU and national legal framework applicable to your project
- Development of the necessary contractual basis required for the planning, construction and operation of the storage facilities (licence agreements, grid connection agreements, marketing agreements, EPC agreements)
- Grid charges and levies as well as taxes
- Avoidance of double charges in connection with levies and taxes
- Rights and obligations in connection with the EnWG (Energy Industry Act)
- Reporting obligations / Market master data register
- Electricity storage systems as critical infrastructures (NIS2 / KritisV)
- Marketing options (e.g. arbitrage transactions, EEG tariff in accordance with InnAusV, provision of balancing energy services)
- Examination of the relevant permitting requirements, in particular in the areas of emission control law, water law / AwSV and fire protection, as well as the examination of the corresponding expert reports, advice on the preparation of application documents and communication with public authorities and environmental associations
- Creation of the legal planning basis (preparation or amendment of zoning plans, realisation of battery storage systems in existing commercial or industrial areas)
- Managing the building permit procedure, in particular for privileged storage projects in outdoor areas in accordance with sec. 35 para 1 no. 3 BauGB
- Advice on financing
- Support with the purchase and sale of battery storage projects

\*In this publication we refer exclusively to battery storage. In addition, the topic of energy storage at Taylor Wessing is part of a larger picture, namely the flexibilization of the overall system. In this context, we also provide comprehensive advice on other classic storage technologies, hydrogen storage and heat storage.

<b>References</b>	
<b>International project developer for renewable energy projects</b>	Advice on the permitting and regulatory implementation of several large-scale battery storage projects, in particular support with preliminary building applications.
<b>International project developer for renewable energy projects</b>	Advice on several large-scale battery storage projects in terms of planning, regulatory and real estate, in particular on the preparation of a zoning plan, the connection to the extra-high voltage grid and the purchase of the project areas.
<b>Leading provider of PV rooftop systems for private customers</b>	Advice during entry into the industrial and commercial storage market on planning and permitting requirements and the implementation of projects under energy industry law.
<b>International project developer for renewable energy projects</b>	Building law and regulatory advice on the implementation of several large-scale battery storage projects at the transmission grid.
<b>International project developer for renewable energy projects</b>	Advice on the acquisition of the project rights for a battery storage project and subsequent public law implementation, obtaining the necessary permits, drawing up and negotiating installation and operation management contracts as well as regulatory advice on the grid connection and marketing concept for the battery storage system.
<b>International project developer for renewable energy projects</b>	Support during the permitting process for a co-located battery storage project, in particular review of the fire protection and AwSV reports, review of the relevant expert reports and communication with the responsible authorities; advice on compliance with the applicable product law requirements (in particular the EU Battery Regulation) and preparation of the necessary documentation.
<b>International project developer for renewable energy projects</b>	Assistance with the permitting procedure for a battery storage project in an outdoor area; representation in the hearing and objection procedure to enforce the privilege under sec. 35 para 1 no. 3 BauGB; advice on individual regulatory issues.
<b>International project developer for renewable energy projects</b>	Planning, permitting and energy law advice on the implementation of a battery storage and agri-PV pipeline with a capacity of several hundred MW, including several large-scale battery storage facilities with projected capacities of 250–300 MW together with a potential marketing concept. Legal advice on marketing, construction cost subsidies, planning law, the effects of Solar Package I and preparation of a statement for a preliminary planning application, preparation of an area matrix for battery storage projects.
<b>Energy supply company</b>	Advice on the planning, grid integration and marketing of a mobile battery storage system for the provision of grid services and the realisation of individual grid fees for various commercial customers.
<b>Asset manager specialising in renewable energies</b>	Legal advice on the acquisition of the "Wind+Speicher" project of the juwi-innovation tender in Germany, including a PPA agreement for the commercialisation of the wind farm and the battery storage. In addition, advice regarding the utilisation of the EEG remuneration in a system combination with battery storage.
<b>International provider of complete solutions for renewable energy</b>	Advice on individual regulatory and planning law issues relating to a 250 MW battery storage project, including a presentation of the various marketing options and the functioning of the balancing energy market in Germany.
<b>Energy infrastructure companies</b>	Advice on claiming the EEG subsidy in a system combination with battery storage.
<b>Global Solar PV project developer</b>	Advice on claiming the EEG subsidy in a system combination with battery storage.
<b>International project developer for renewable energy projects</b>	Advice on further project development in the early stages of acquired solar projects, in particular advice on the urban land-use planning process and on rectifying development plan errors.
<b>International project developer for renewable energy projects</b>	Advice on the planning law integration of co-located storage facilities in ongoing planning and approval procedures.
<b>Project developer for renewable energy projects</b>	Advice on securing land for a battery storage project, preparation of a sample purchase agreement.
<b>Asset manager</b>	Creation of an area matrix for a battery storage project, advice on securing land.
<b>Asset manager</b>	Advice on portfolio contracts for domestic storage tanks and warranty claims against EPC contractors and manufacturers regarding defective storage tanks.
<b>Property manager</b>	Ongoing advice on entering the German market. The business model is geared towards the purchase and leasing of land for battery storage and data centres.

Team



**Dr Tillmann Pfeifer**  
Partner, Hamburg  
+49 40 36803-529  
t.pfeifer@taylorwessing.com



**Carsten Bartholl**  
Partner, Hamburg  
+49 40 36803-108  
c.bartholl@taylorwessing.com



**Dr Markus Böhme, LL.M.**  
Partner, Düsseldorf  
+49 211 8387-430  
m.boehme@taylorwessing.com



**Dr Janina Pochhammer**  
Partner, Hamburg  
+49 40 36803-105  
j.pochhammer@taylorwessing.com



**Jasmin Schlee**  
Salary Partner, Hamburg  
+49 40 36803-445  
j.schlee@taylorwessing.com



**Dr Christian Ertel**  
Salary Partner, München  
+49 89 21038-184  
c.ertel@taylorwessing.com



**Hannes Tutt**  
Salary Partner, Hamburg  
+49 40 36803-377  
h.tutt@taylorwessing.com



**Dr Niels L. Lange, LL.M.**  
Senior Associate, Hamburg  
+49 40 36803-368  
n.lange@taylorwessing.com



**Dr Julia Wulff**  
Senior Associate, München  
+49 89 21038-245  
j.wulff@taylorwessing.com



**Dr Ulrich Spiegel**  
Senior Associate, München  
+49 89 21038-246  
u.spiegel@taylorwessing.com



The team provides us with excellent interdisciplinary advice. In this collaboration, cooperation across several locations also functions smoothly.

**Legal 500 Energy sector 2024**



The team acts in a very client-orientated manner and is strongly positioned in the various areas of expertise required for energy supply contracts. Partners and associates act on an equal footing and cooperation across offices is also excellent.

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The colleagues at Taylor Wessing have in-depth knowledge of the industry and are therefore able to offer customised solutions in the shortest possible time. The collaboration with our in-house colleagues runs smoothly and is always very professional.

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- Energy sector ★★★★
- Projects and plant construction ★★★★★
- Planning and environmental law ★★★★★
- Real estate law ★★★

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