

Shaping Tomorrow's Infrastructure

Rising public and private investment
creates need for legal advice



Dear Readers,
dear friends of the firm,

this issue of our LP-Magazine is published in times when infrastructure investment is at the top of every country's priority list. At Leinemann Partner, we have always been fully focused on advising infrastructure projects like no other firm on the German market. This expertise also took us abroad into the international market, including projects all over the world and regardless of the laws of a specific country. Nonetheless, our team remains strongest on the German market, covering a wide range of projects in construction and - with public projects – also procurement. Our real estate team also covers all public law issues around planning and building as well as contracts for existing properties and their sale. For anyone intending to build a project or buy a property or facility, we are the competent advisors. Flipping through the pages of this issue, you will find fascinating examples of our activities. It stretches from heavy steel works in civil engineering, new build broadcasting centers and university buildings all the way to hospitals, shopping centers and commercial buildings, both public and private projects. The Leinemann Art Foundation adds to it by presenting artists' works with a view on construction and machinery. Enjoy reading through the stories of the Leinemann projects.

Kind regards,



Ralf Leinemann



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Publisher Leinemann & Partner Rechtsanwälte mbB, Berlin, Düsseldorf, Frankfurt am Main, Hamburg, Cologne,	Editorial address Leinemann & Partner Rechtsanwälte mbB Friedrichstr. 185–190 10117 Berlin Phone +49 30 – 206419-0 lpmagazin@ leinemann-partner.de www.leinemann-partner.de
Editorial management (responsible under German press law) Leinemann & Partner Rechtsanwälte mbB	Printing druckhaus köthen GmbH & Co. KG Wallstraße 64 06366 Köthen (Anhalt)
Art Direction Daniel Bognár, danielbognar@ damentennis.com	

Slow Starter Carbon Concrete

Concrete usually requires steel reinforcement. However, steel is prone to corrosion and very heavy. Using carbon instead of steel would be a good solution — and it's also competitively priced. Nevertheless, the market for this building material of the future is only changing slowly

By Volker Bormann

Concrete is both a blessing and a curse. The Romans already mastered the production of cement, and many of the structures they built still stand today — such as the Pantheon in Rome with its enormous lightweight concrete dome.

But the production of concrete is harmful to the environment. Worldwide, more than four billion tons of cement are produced each year — and the calcination of limestone alone releases around two billion tons of carbon dioxide (CO₂) directly into the atmosphere. Added to that are the CO₂ emissions from the gas or electricity needed to heat the

kilns to about 1,000 degrees Celsius to make limestone suitable for cement production. All in all, producing one ton of burnt lime results in 1.2 tons of CO₂ emissions.

Around eight percent of all man-made CO₂ emissions globally come from cement production. Most of that cement ends up in concrete, making the global demand for concrete a significant burden on our climate.

More Tensile Strength

Concrete seems indispensable when you consider everything people build with it — especially since the invention of reinforced

concrete around 170 years ago. The combination of the tensile strength of iron and the compressive strength of concrete remains the dream team of the construction industry. But from a technical standpoint, this duo is aging — for there's already been a viable alternative for about two decades: carbon concrete.

In carbon concrete, the steel rebar and mesh are replaced by carbon fiber rods and mats. These perform so well that far less reinforcement is needed to achieve the same material properties compared to steel-reinforced concrete. Carbon fiber can withstand six times more tension than steel,

while weighing only a quarter as much — and it doesn't rust.

That's exactly the advantage that significantly relieves both the environment and the climate: what doesn't rust doesn't need to be encased in thick layers of concrete for corrosion protection. Carbon concrete requires less than half the concrete volume necessary to make reinforced concrete durable. Less concrete means lower CO₂ emissions — and when transporting precast concrete parts, less weight means less fuel consumption and thus even lower CO₂ output. Technologically and environmentally, carbon concrete could be the material of the future.

No Health Hazard

It is easily recyclable and extremely durable. »Buildings made from carbon concrete could easily last 200 years,« says Manfred Curbach, professor of structural engineering at TU Dresden. Since carbon-reinforced concrete no longer needs to provide rust protection, cement used in it doesn't need to be as alkaline, he explains. That opens the door for switching to more eco-friendly types of cement that require less energy to

produce and generate fewer CO₂ emissions.

»We also had a meticulous health risk assessment done to see if carbon fibers posed any danger — for example, when drilling into them to install wall plugs,« Curbach says. The result: carbon concrete is completely safe from a health perspective.

So where's the boom carbon concrete should already be experiencing? Is the material still too expensive? »There's actually no pricing issue,« says Curbach. Carbon fiber mats and rods can be manufactured in sufficient quantities globally. »Some manufacturers are even expanding their production capacities significantly because they expect big business soon,« Curbach explains. The production process itself is straightforward.

A Sluggish System

Despite this, only about 250 structures worldwide have been built using or incorporating carbon concrete so far — even though experiments with carbon fibers in concrete began 30 years ago, and carbon concrete has been commercially viable for 20 years.

Curbach sees two main reasons why the material hasn't taken off in Germany: »The construction industry is a very sluggish system,« he says. »While the automotive industry has improved its production efficiency by an average of 30 percent over the past ten years, the construction sector has improved by only seven percent — and that over a span of 30 years,« Curbach points out. In other words, it simply takes a very long time for innovations to gain traction in the German construction sector.

First Standards

One key obstacle likely disappeared at the beginning of 2024. That's when a standard for components made of carbon concrete was introduced. These components can now be used generally in construction without needing individual approval, as had been the case until then.

There are at least some bright spots: the construction company Goldbeck in Bielefeld is now using carbon concrete floor slabs in its parking structures. And a concrete plant in Oschatz, Saxony, is currently converting part of its production to carbon concrete.

Rendsburg Suspension Ferry

The ferry is floating again

Rendsburg has regained one of its landmarks, which is as visually appealing as ever but even more impressive from a technical standpoint



New technology, old look: the Rendsburg transporter bridge was designed and built over a hundred years ago. Today, it is equipped with state-of-the-art technology, even though it looks the same on its second maiden voyage as it did on its first

Foto: Marcus Brandt/picture alliance/dpa



The suspension railway unit with the pre-assembled bogie is loaded onto a pontoon

The Rendsburg High Bridge is one of the largest steel structures in Europe. What makes it globally unique is its combination of a railway bridge and a suspension ferry: hanging from the railway bridge, the Rendsburg suspension ferry — operated by WSA Kiel-Holtenau — glides across the Kiel Canal. In operation since the canal's expansion in 1913, the ferry is considered a landmark of the City of Rendsburg. Each day, it carries around 350 cars and 1,700 pedestrians and cyclists between Rendsburg and Osterrönfeld. By now, it has become a true rarity: worldwide, there are only eight such structures.

In 2016, a serious collision occurred when the ferry was struck by a cargo ship. Fortunately, only two passengers sustained minor injuries. However, the ferry was so severely damaged that repairs were no longer an option. The Bavarian company Hermann GmbH Maschinenbautechnologie — specializing in, among other things, hydraulic steel construction — was commissioned to build a new suspension ferry. Thomas Hildebrandt from the Hamburg office of Leinemann Partner provided legal advice throughout the construction process.



Thomas Hildebrandt,
Specialist lawyer for
construction and architectural
law and public procurement
law, Hamburg

Fotos: Leinemann Partner, Hermann Maschinenbautechnologie GmbH



Before the platform can be connected to the carriage, it must first be positioned at the correct height and angle on the wooden stacks

The requirements for the new build were clear: technically state-of-the-art, meeting the highest safety standards, and visually replicating the original ferry. This demanded extensive planning and continuous recalculations to optimize the use of limited space while staying within the maximum permissible weight of the ferry.

A full-scale wooden model of the new ferry pilot's cabin — the heart of the ferry — was constructed, complete with all intended components. Using this model, the ferry operators who would later run the ferry could inspect, test, and finally approve the design for production. Meanwhile, subcontractors worked on the planning of control systems and navigation technology. After a year of designing the ferry platform — the part that »floats« above the water — the steel construction phase could finally begin. A special coating hall was built for this purpose. There, the entire corrosion protection process took place, along with the integration of the newly built aluminium pilot's cabin, complete pre-wiring, and the pre-assembly of all attachments and markings.

Leinemann Partner primarily advised on defining and interpreting the contractually owed scope of work, documenting changes and additional services, and preparing the resulting claims and construction-related entitlements.

Once all legal matters were resolved and the carriage unit had been installed 60 meters above ground, the ferry platform was positioned below it so that the cables connecting the carriage and platform could be installed. Following the completion of interior fittings, a new feature was tested: after being manually started by the operator, the new suspension ferry now travels automatically from one terminal to the other.

Since its ceremonial commissioning, passengers are once again being transported from Rendsburg to Osterrönfeld — a thoroughly successful project.

A New University Hospital Heart Center

A heartfelt matter for Dresden

It took a long time but now the time has come – a replacement building for the existing University Hospital Heart Center is being built in Dresden. The overall project (planning and construction period) is scheduled to go on for six years with expected construction costs of approx. 295 million Euros, of which 150 million euros are funded by grants from the State of Saxony



Uncomplicated award procedure: This was made possible through close cooperation with the client and the extensive legal expertise of the consulting lawyers

In the current building, more than 800 employees are working together in three specialist clinics and institutes to provide healthcare for more than one million people in the greater Dresden and East Saxony area. For this task, the Heart Center, a 100%-subsidiary of Sana Kliniken AG, has 220 beds available. The experiences and challenges of recent years – especially in light of the Covid-19 pandemic – have shown that possible reconstruction or expansion measures at the current location are either not sensibly feasible due to structural constraints or simply cannot fully meet the increased demands of the stakeholders. In addition, reconstruction and renovation measures at the existing building would significantly impair ongoing operations. For example, temporary area closures due to ongoing construction work would be unavoidable. There would also be limited access and especially treatment options for patients. Area closures in the case of reconstruction or renovation of the existing building would thus lead to unwanted, massive disruptions of functional procedures that have been established over years.

Based on these considerations and development forecasts until 2030, Sana Kliniken AG decided to construct a new building for the Heart Center. The planning and development of the new construction project is being managed by Sana Immobilien Service GmbH (SIS). This decision was reinforced by insights from the COVID-19 pandemic. During the pandemic crisis, the disadvantages of the existing building became particularly apparent. The layout of the clinic no longer meets the standards of a modern hospital. Since the building was constructed in the mid-1990s, heart medicine has developed enormously and the

photo: alsh architekten



Unfavourable floor plan: The long walking distances and the fact that patients were short of breath made it an easy decision for those responsible to replace the Dresden Heart Center with a new building

number of employees at the Dresden Heart Center has almost doubled. Capacity has long since been reached. Functionally cohesive structures – such as ground-level emergency service access with immediate treatment of emergency patients – are currently not possible. The same applies to the increasingly important diagnostic imaging (MRI/CT). All these walking distances cost time and potentially health on one hand, and money on the other. Employees walking back and forth are barely able to fulfill their actual task: caring for patients. In addition, cardiovascular diseases will increase significantly in the coming years due to demographic changes. The foreseeable healthcare demand cannot be adequately handled in the existing building. Against this backdrop, the decision for the new construction of the Heart Center in the Saxon state capital was an easy one for those responsible.

Sana Kliniken AG commissioned a Berlin-based Leinemann team – consisting of Eva-Dorothee Leinemann, Marco Michael Hohensee and Marisa-Therese Golz – with legal advice on public procurement and the implementation of the tendering process for the construction of the Heart Center. A public tendering procedure was mandatory for the client, because according to § 99 no. 4 GWB he had to follow public procurement rules since more than 50 percent of the project's total costs will be provided through public funding.

On the recommendation of the advising lawyers, the client decided against dividing the planning services into individual lots. Ultimately, the procurement was directed to find general planning services for the project as a whole.



Eva-Dorothee Leinemann,
Notary and specialist lawyer
for public procurement law,
Berlin



Marco Michael Hohensee,
Specialist lawyer for public
procurement law, Berlin



Marisa-Therese Golz,
Specialist lawyer for public
procurement law, Berlin

The advantage of commissioning a general planner instead of splitting into individual (planning) lots lies in the bundling of competences and responsibilities. The general planner acts as a central contact on the planning side and is solely responsible for the coordination and integration of all trades. They are thus commissioned to provide all necessary architectural, engineering, expert and consulting services in order to ensure an almost interface-free, interdisciplinary and integrated overall planning. As a result, the coordination and support effort on the part of the client is minimised, which can provide significant relief especially in a large project.

After a comprehensive evaluation of the client's objectives and the individual characteristics of the planned project, the Berlin Leinemann-team recommended putting the general planning services out to tender in a negotiated procedure with a prior call for competition in accordance with § 17 VgV. This type of procurement procedure is advisable whenever the services cannot be described exhaustively down to the last detail, but also when economic reasons of the client speak in favor of a negotiated procedure.

The complexity of the project required a total of two negotiation rounds with the four bidders who had qualified in the preceding call for competition for the bidding phase. The well-thought-out, high-quality concepts and presentations of the bidders made it difficult to make a decision on the contract award. In the end, however, the bidder Sander.Hofrichter Architekten GmbH prevailed over the other competitors and thus received the contract award. As a result, the procurement procedure carried out by the Leinemann team ran smoothly from the publication in January 2023 to the contract award in August 2023. This was made possible by the close cooperation with the dedicated client who was always able to provide comprehensive technical input. As a consequence, together with the legal expertise of the advising lawyers, a seamless procurement procedure was implemented and led to success.

photos: alsh architekten, Leinemann Partner

New Built Gas and Steam Power Plant

A power plant before an arbitral tribunal

Companies often take disputes to arbitration tribunals when they arise. So did Volkswagen AG in a case concerning the construction of a new gas and steam turbine plant

Volkswagen is not only Europe's largest car manufacturer and Germany's largest industrial group, but also a relevant producer of electricity, primarily for its own operations. One of the combined heat and power plants operated by VW Kraftwerk GmbH in Wolfsburg has been modernised in recent years with a gas and steam turbine plant (CCGT plant). The German subsidiary of a Japanese plant construction group was selected as the general contractor for the new construction of the Wolfsburg-West CCGT plant. The fact that the Covid pandemic and the consequences of the Ukraine-war would delay construction during the course of the project was, of course, unforeseeable at the start of the contract. However, there were also quite 'conventional' disruptive events, such as the ground conditions for the foundations of the power plant construction, which were quite relevant particularly due to the heavy-weight installations, such as turbines.

The general contractor took this as an opportunity to claim far more than 10 mil. Euros in additional costs due to delays in the foundation phase of the project. Various rounds of negotiations failed to produce an agreement, so that a dispute resolution had to be initiated.



Ralf Leinemann,
Specialist lawyer for
construction and architectural
law and public procurement
law, Berlin

In industrial contracts like these, it has become common practice not to settle such disputes through the ordinary state courts (i.e. before regional and higher regional courts), but to install an arbitration tribunal from the outset. The contract at hand already stipulated that any legal disputes will not go before the state courts, but that a court of arbi-



»We were impressed
by the experience
and professional
expertise of the
Leinemann team.
Many thanks!«

Matthias Barkowski,
Managing Director of
VW Kraftwerk GmbH

ing support in the selection of arbitrators, collecting advance payments for their fees and advising on the drafting of an arbitration award.

Volkswagen AG sought experienced legal representation for these critical proceedings, selecting a team from Leinemann Partner due to their expertise in construction, plant engineering and arbitration. Led by senior partner Ralf Leinemann, a team consisting of Anuschka Pauly, Timm Schoof and others took charge of the entire arbitration proceedings.

One of the advantages of arbitration is that the parties themselves are entitled to select highly qualified arbitrators for their case. The only requirement is that the nominated individuals must not have close ties to either party or their legal counsel. When this requirement is met, the result is typically a highly quali-

tration will be agreed in accordance with Section 1029 of the German Code of Civil Procedure (ZPO). The German Code of Civil Procedure (ZPO) not only regulates civil disputes before the ordinary courts, but also features an express chapter on arbitration proceedings. In most cases, however, the application of specific arbitration rules, such as those provided by the German Institution of Arbitration (DIS) or the International Chamber of Commerce (ICC), is expressly agreed in the contract. These institutions also administer the arbitral proceedings, for example by provid-



Following the arbitration proceedings, the gas and steam turbine plant in Wolfsburg is proceeding as planned

fied arbitral tribunal – as was ultimately the case here. But the start of the process was somewhat rocky: The arbitrator nominated by Volkswagen was rejected by the claimant without valid reason, citing alleged bias. The DIS arbitration institution, after hearing all parties, had to decide on the challenge and ultimately rejected it. Shortly afterward, it emerged that the claimant's own nominated arbitrator had "forgotten" to disclose that he had previously acted against Volkswagen AG in another matter. Such conflicts of interest must be disclosed during the nomination process. Upon receiving the expected challenge for bias, this arbitrator promptly resigned, and a neutral replacement was appointed. The two arbitrators then agreed on a chairperson, and the proceedings could officially begin.

Following an initial hearing and detailed guidance from the tribunal, deadlines were set for additional submissions and a second hearing. Based on the parties' submissions and the tribunal's preliminary

views, discussions took place in the following months – not only concerning the subject of the claim, but also the overall completion of the plant and specific performance parameters. Just days before the second hearing was due, the dispute was resolved through a comprehensive settlement and the claim was withdrawn. As a result, both the final price for the fully operational plant and the completion date were confirmed. The project remained within budget, and the plant successfully completed trial operations with even slightly improved performance figures.

Matthias Barkowski, Managing Director of VW Kraftwerk GmbH, is very satisfied with the outcome and the support provided by the Leinemann team: »We were impressed by the experience and professional expertise of the Leinemann team. Many thanks!«

For two years now, the new CCGT plant has been running at full capacity—producing electricity and heat. Fully powered!

Advised Sale

Successful transaction: Sale of Hotel Sir Nikolai



The Sir Nikolai Hotel is a boutique luxury hotel on Hamburg's historic Nikolaifleet canal, between HafenCity and landmarks like the Elbphilharmonie and Deichtorhallen

The international real estate team of Leinemann Partner has successfully advised Sircle Hospitality Group (SHG) on the sale of the Hotel Sir Nikolai in Hamburg to the Fattal Group. The transaction was led by Michael Göger, partner at the Berlin office

SHG is a pan-European hospitality group with a portfolio of 37 boutique hotels across 23 cities, offering around 4,000 rooms, as well as 35 restaurants and bars. Its brands – including Sir Hotels, Max Brown Hotels, Seven North, Miznon, the Cover private members' club, and others operated by The Entourage Group – stand for sophisticated lifestyle concepts and a consistent commitment to premium service.

»We very much appreciated the cooperation with Leinemann Partner and are delighted with the services provided by Michael and his team,« says Ori Lazar, General Legal Counsel of Sircle Hospitality Group.

»We are proud that SHG placed its trust in us for this complex sale and are pleased to have contributed to a successful transaction,« adds Michael Göger.

The »The Nikolai« hotel in Hamburg is located in a listed seven-story building on the Nikolaifleet canal and comprises a total of 94 rooms and suites. With the acquisition, Leonardo Hotels is introducing its Leonardo Limited Edition brand to Germany for the first time. By acquiring the hotel and launching the new Leonardo Limited Edition brand in Germany, Leonardo Hotels is now represented with a total of five brands in the country and nine hotels in Hamburg.



Michael Göger,
FIDIC Dispute Adjudicator,
Berlin

This transaction highlights once again the real estate team's expertise in hospitality-sector transactions and its ability to deliver high-value legal support in cross-border projects.

photos: Sir Nikolai Hotel, Leinemann Partner

Tour de force at the Rhine

Back on course: Lock back in operation after accident

In November 2023, a serious accident occurred at the Iffezheim lock on the Upper Rhine: a heavy cargo ship collided with the upstream gate of the right lock chamber even despite warnings from the lock personnel. The damage was immense – the lock gate was irreparably destroyed

The Iffezheim lock on the Upper Rhine is one of the largest and most powerful twin-chamber locks in Europe. It plays a central role in international freight and passenger transport. With around 30,000 cargo ships passing through annually and a transport volume of 25 million tons of goods, it is indispensable for the smooth flow of goods traffic between Basel and Karlsruhe.

What followed after the collision was a complex undertaking: the repair of the 82-ton lock gate which needed to happen as quickly as possible. The new gate was custom-made by the steel and hydraulic engineering specialist company Robert Nyblad GmbH from Papenburg, a long-time Leinemann-client in Lower Saxony. The gate was then transported upstream on the Rhine to Iffezheim by ship. For more than 140 years, Nyblad, with its 180 employees, stands for innovation, competence and reliability in mechanical and steel construction. Thanks to its port access, Nyblad is able to transport even the largest components by waterway.

On site, the new lock gate was installed using heavy-duty cranes. In a next step, the control technology was integrated. At the same time, the Waterways and Shipping Office Oberrhein conducted extensive test runs and safety inspections before the lock was released again and returned to service.



Thomas Hildebrandt,
Specialist lawyer for
construction and architectural
law and public procurement
law, Hamburg

The repair costs amounted to around five million euros. The manufacture of the new chamber gate alone took almost twelve months. »We are proud that we were able to ensure the operation of the second chamber after a year,« said Dipl.-Ing. Johann Hagedorn, Head of Hydraulic Steel Engineering at Robert Nyblad GmbH. Thomas Hildebrandt, partner at Leinemann's Hamburg office,



Iffezheim lock: view of the headwaters

supported Robert Nyblad GmbH during the repair work in all construction law matters.

The relevance of both lock gates has once again become clear in the meantime: the restricted operation of the lock led to significant delays in ship traffic. Waiting times of 30 to 40 minutes became the norm, whereas previously only a few minutes needed to be spent by waiting ships before setting off to continue their travel. With the recommissioning of the right chamber, normality returned. Both lock chambers are once again available around the clock and ensure smooth operations on the river Rhine.

photos: WSA Oberrhein, Leinemann Partner

New Buildings for Police and Justice

State-of-the-art construction management in Saxony-Anhalt

Leinemann Partner advises Immobilien- und Projektmanagementgesellschaft Sachsen-Anhalt mbH on three major construction projects



The new LKA building planned for Barleben, near Magdeburg, will consist of two main buildings with PV systems on the roof, as well as an annexe

The Immobilien- und Projektmanagementgesellschaft Sachsen-Anhalt mbH (IPS) was founded in 2021 to pave the way for large new construction projects in the federal state of Saxony-Anhalt. Since then, the company has taken responsibility on behalf of the state for various major new construction and renovation projects. The company is putting great emphasis on the efficient and dynamic realization of these projects, with a focus on setting an example for public construction in Saxony-Anhalt.

IPS is counting on the expertise of Leinemann Partners' Berlin office for three major projects: The new construction of the State Office of Criminal Investigation (Landeskriminalamt), the expansion of the Volkstedt Correctional Facility and the construction of the Aschersleben District Court. These projects

are supported by a team of attorneys from Leinemann Partner in Berlin, led by partners Ralf Averhaus, Eva Leinemann, Stefan Erdmann, Marco Michael Hohensee and Armin Preussler.

New State Office of Criminal Investigation for Saxony-Anhalt

The largest public building project in Saxony-Anhalt is currently being realised in Barleben near Magdeburg with the construction of the new State Office of Criminal Investigation (LKA). To date, the LKA-functions are spread across various locations in Magdeburg and Schönebeck. The new building is intended to create state-of-the-art working conditions and modern workspaces for the whole LKA staff, ensuring optimal investigative results by consolidating the competencies at a single location.

The future workplace will house around 700 investigators, police officers and scientists in around 1,100 rooms on a site of approximately eight hectares size. Three main building complexes are planned for this purpose.

The construction of the new LKA is future-orientated and sustainable; for example, the aim is to achieve BNB Silver certification. The estimated cost of the entire construction project is around 350 to 400 million euros. Completion of the new building is scheduled for the end of 2028.



Ralf Averhaus,
Specialist lawyer for construction and architectural law, Berlin

Photos: IPS, Leinemann Partner

»This first major joint project confirmed our choice of Leinemann Partner as the right law firm.«

Thomas Poege,
Managing Director of IPS



»We are delighted to be involved in this interesting and challenging prison project.«

Marco Krüger,
Authorised representative of IPS

Leinemann Partner is operating as the external procurement authority for this project, including contract design. Through a European-wide tendering process with a multi-stage selection procedure, the general planning services were awarded at the end of 2023. »This first major joint project has already confirmed that we have chosen the right law firm at our side with Leinemann Partner. The contracts with the general planner for the new LKA building were signed even earlier than originally planned,« says Thomas Poege, Managing Director of IPS.

Expansion of the Volkstedt Correctional Facility

While the European Prison Rules are only recommendations (soft law) to the member states of the Council of Europe, they are increasingly becoming significant in practice and contain detailed regulations regarding prison conditions, which national law must adhere to. This includes provisions for more and larger individual cells, which is why many correctional facilities lack of space. Through new construction and renovation projects at the Volkstedt correctional facility, the state of Saxony-Anhalt is creating modern detention conditions and additional prison spaces. The expansion of Volkstedt Prison includes the construction of two new detention centres in a first construction phase. This is followed by the renovation of the existing property in a second construction phase. "We are pleased to be supporting this complex and demanding project in the prison system," says Marco Krüger, authorized officer at IPS.



Stefan Erdmann,
Specialist lawyer for construction and architectural law, Berlin



Marco Michael Hohensee,
Specialist lawyer for public procurement law, Berlin



Eva-Dorothee Leinemann,
Notary and specialist lawyer for public procurement law, Berlin



Armin Preussler,
Specialist lawyer for construction and architectural law and public procurement law, Berlin

Photos: IPS, Leinemann Partner

Leinemann Partner is again acting as the external procurement authority for the awarding of project management services, including contract design. The Leinemann team handled all legal work to procure for a turnkey-general contractor to design and build the project. Completion of the first construction phase is expected by the end of 2026.

New Construction in the Historic Center of the Oldest Town in Saxony-Anhalt

The third project where IPS relies on Leinemann Partners' legal advice is the new Aschersleben District Court building (Amtsgericht). Aschersleben is the oldest town in Saxony-Anhalt and has an undeveloped piece of land at the western entrance to the historic town center. The aim of the new building is to merge the different locations of the district court, such as the land registry office and the central debt collection court, for the federal states of Saxony, Saxony-Anhalt and Thuringia. Leinemann Partner is involved as the external procurement authority for the general planning services, including contract design. The Leinemann Lawyers will also provide construction management advice for the further awarding of construction services.

Ralf Averhaus, partner at the Leinemann-Berlin office, is pleased with the cooperation and project success: »We are grateful for the collaboration with IPS, which has been excellent. Decisions are made quickly and we have excellent co-operation with the various IPS teams in all projects. Together we can make a difference in Saxony-Anhalt!«

Paper mill and power plant

Two major projects in the paper industry

Leinemann Partner are supporting a major industrial project of Progroup AG in Saxony-Anhalt. In addition to the PM 3 paper mill, a power plant was built



PM 3 is one of the world's most modern and efficient paper mills and is located in Saxony-Anhalt. Another waste-to-energy power plant is currently under construction next to it, which is not yet visible here

Progroup AG, headquartered in Landau in the German state of Rhineland-Palatinate, is one of the leading manufacturers of corrugated board sheets in Europe. Since its founding in 1991, the company has grown to achieve total sales of 1.3 billion euros. The group includes three paper mills, thirteen corrugated board sheet plants, a logistics company and a waste-to-energy power plant. A second power plant and another corrugated board sheet plant are currently under construction, and the land acquisition for the next paper mill has already been completed.

Leinemann Partner are supporting Progroup in connection with the planning, construction and commissioning of the company's largest paper mill to date, PM 3, in Sandersdorf-Brehna (between Halle and Bitterfeld in Saxony-Anhalt). Around 465 million euros were invested at the site in one of the largest and most modern paper mills in the world. After a very short construction and assembly period of just 18 months, the new PM 3 went into operation at the end of 2020. Its heart is a gigantic paper machine more than 250 meters long, with which an annual capacity of 750,000

»The new factory is setting pioneering standards for the paper industry in terms of environmental protection and energy efficiency.«

Maximilian Heindl,
Chairman of the Executive Board of Progroup AG

tons of corrugated base paper can be produced. These paper rolls are then processed into actual corrugated board in another plant. The impressive building is more than 300 meters long and 30 meters high.

Environmentally friendly use of resources is a top priority in the new factory. The integrated circulation water treatment system makes it possible, for example, to reduce the required use of fresh water by around 80 percent compared to similar factories by treating the process water and reusing it in a closed-loop water system. This saves more than 3.7 million cubic meters of fresh water per year. Wastepaper contaminants are biologically degraded during this process and converted into biogas. As a result, the entire facility consumes significantly fewer fossil resources. For the consistent implementation of sustainability measures, the paper mill was already awarded the European Union's Eco-Management and Audit Scheme (EMAS) certificate during the construction phase in January 2020. »This means the new factory sets future-oriented standards in environmental protection and energy efficiency in the paper industry,« says Maximilian Heindl, Chairman of the Board of Progroup AG.

Progroup uses only wastepaper as raw material for paper production. Around 860,000 tons of it are processed into corrugated base paper each year at the PM 3 plant. The raw material is processed in a state-of-the-art pulping and sorting drum. With an overall construction length of 78 meters, this wastepaper drum is one of the largest of its kind in the world and can process up to 3,000 tons of wastepaper per day.



Ralf Leinemann,
Specialist lawyer for
construction and architectural
law and public procurement
law, Berlin



Armin Preussler,
Specialist lawyer for
construction and architectural
law and public procurement
law, Berlin

Potos: Leinemann Partner, Progroup AG



The laying of the foundation stone for the new waste-to-energy power plant

The Berlin team of Leinemann Partner, led by Ralf Leinemann, supported Progroup in handling this large-scale plant construction project.

The paper mill alone does not mark the end of this major industrial project. At the same site in Sandersdorf-Brehna, Progroup built a new waste-to-energy power plant since spring 2023. It is not (just) a single power plant, but part of a comprehensive circular economy concept, as CEO Maximilian Heindl stated at the groundbreaking ceremony in March 2023. The new power plant uses residual materials from the company's own paper production and the region as fuel and thus generates energy in a resource-conserving manner. This allows the facility to help save an additional 80,000 tons of CO₂ per year. Together with the waste-to-energy power plant, Progroup will in future close the entire material cycle, generate its own resource-conserving energy and thus create a zero-waste site. The power plant is now ready and started operations.

Progroup generally builds new plants on "green-field" sites. This makes it possible to continue optimising the overall system from project to project. This is also reflected in the company's investment history in Saxony-Anhalt: In 2001, Progroup integrated a closed water cycle into its first paper machine in Burg – at that time a world first. Ten years later, the company commissioned its first waste-to-energy power plant at the paper mill in Eisenhüttenstadt, Brandenburg. At its third paper mill in Sandersdorf-Brehna, Progroup is now combining these successful models. This is also planned for future sites.

The attorneys Ralf Leinemann and Armin Preussler of Leinemann Partner in Berlin supported Progroup in the contract drafting for the power plant as well as in the contract negotiations. Continued advice was requested during the ongoing construction phase. It was provided in close cooperation with the Progroup project management and of course the legal department under the leadership of General Counsel Dr. Stefan Schmidt. He values the practical approach of the lawyers: "The Leinemann team supported us very well thanks to their quick response times and the extensive technical expertise of the lawyers in construction and plant engineering. This meant we were always well positioned legally, including in conflict management with contractual partners."

Poto: Nicky Hellfritsch/freshshots.de

Renovation of a laboratory building

Construction in existing structures – from planning to procurement to warranty

The Institute for Occupational Safety and Health (IFA) of the German Social Accident Insurance (DGUV) in Sankt Augustin is renovating Building Section 2, a laboratory building from the 1970s. All the challenges of construction in existing structures are present. Leinemann Partner were involved from the very beginning



The extensive DGUV campus in Sankt Augustin demonstrates the challenges involved in organising a construction site so that work can continue undisturbed

photo: Drohnen-Luftbilder360



Laboratory work at the DGUV

The Institute for Occupational Safety and Health (IFA) supports the institutions of the German statutory accident insurance system (Berufsgenossenschaft) in scientific and technical matters related to occupational safety and health. In doing so, it not only tests products and material samples but also participates in standardisation and regulation, actively contributing to further developments through its own research. The IFA also plays an important role in the certification of products and quality management systems.

The range of scientific work extends from chemical and biological investigations to occupational science projects and research in the field of epidemiology. Each year, more than 50 parallel research and development projects are supervised at the IFA's site in Sankt Augustin near Bonn. The six departments of the institute carry out over 85,000 hazardous substance analyses and more than 2,000 inspections per year.

In order to perform these various tasks, the IFA requires, among other things, high-performance chemical laboratories. These are housed in Building Section 2 on the DGUV campus in Sankt Augustin. This is a reinforced concrete solid structure from the 1970s that had aged somewhat and no longer met the requirements for a modern laboratory building. Therefore, the DGUV decided on a comprehensive renovation of the building, not only updating the facade but also completely replacing and renewing the laboratory equipment.

The project is ambitious: the renovation of the laboratory building with four full floors and a technical centre is being carried out while the IFA continues to perform its duties.

Before planning the renovation measures, an interim solution for relocating the chemical test laboratories had to be developed. The renovation then had to take into account that parts of the building >>>



Oliver Homann,
Specialist lawyer for construction
and architectural law and public
procurement law, Cologne



Malte Offermann,
Specialist lawyer for public
procurement law, Cologne



Tobias Köhler,
Lawyer, Cologne



Clarissa Sophie Busato,
Specialist lawyer for public
procurement law, Cologne

photos: Leinemann Partner, Sandra Seifen Fotografie



This is a modern laboratory in the renovated Building 9, on which Leinemann Partner provided advisory services during its implementation. This design will also serve as a model for the planned laboratories in Building 2

contained hazardous substances that could only be removed through careful and detailed work. Furthermore, the building section to be renovated is only one structure within the entire ensemble of the DGUV in Sankt Augustin. The construction site therefore has to fit into a very limited space and must not impair the activities of the IFA employees and the other departments of the DGUV on campus.

To ensure the success of this project, the IFA secured top-level planning expertise with a renowned general planner and an experienced project controller. Based on this, modular buildings were first planned and procured in which the IFA's chemical laboratories can continue operations during the construction phase. Then, a sophisticated construction logistics concept was developed to organise the construction site as space-efficiently as possible and to minimize disruption to operations on the DGUV campus in Sankt Augustin.

Subsequently, the necessary procurement procedures were carried out in accordance with European and national public procurement law. For this purpose, the extensive renovation services to be provided were divided into specialist lots. More than 30 lots had to be procured, ranging from the elevator system, construction logistics and tiling to technical gases, drywall and surveying. In addition to classic construction services, highly specialised services, such as laboratory equipment, were also put out to tender.

»We are delighted to have the experienced team at Leinemann on our side. Their expertise will help us to safely navigate the legal pitfalls of this major construction project«

Thomas von der Heyden,
Project manager at DGUV

For each of these lots, the appropriate procurement procedure type must be determined, specifications and procurement documents must be prepared, bidder questions evaluated, bids examined and procurement law issues clarified. It must be ensured that each service can be awarded in compliance with procurement law and on time.

Once the contract is awarded to the respective best bidder and the construction contract is concluded, the contractual execution of the construction service must be ensured. From defect notification to review of change requests to final invoicing, a variety of work steps arise in which the legal interests of the DGUV as the client must be safeguarded. It is always necessary to involve all parties, propose concrete solutions and coordinate their implementation.

To meet these challenges, the DGUV and the IFA are working with the Cologne office of Leinemann Partner. After other new construction and renovation projects had already been successfully carried out together with the Leinemann team from Cologne, the DGUV again chose this reliable and successful partnership for legal advice to safeguard the renovation of the IFA.

Leinemann Partner were involved in the project at an early stage and already supported the procurement of the planning services. In this way, the lawyers Oliver Homann, Malte Offermann, Tobias Köhler and Clarissa Busato gained a detailed overview of all contractual relationships within the construction project. Since Leinemann Partner are supporting the project both in terms of procurement law and construction law, seamless and holistic legal advice from a single source is ensured. The legal team conducts the procurement procedures itself in cooperation with the general planner, acting as an external procurement office. After the award of the contract, support is provided in day-to-day construction law matters such as dealing with claims from changes and variations.

From project conception to its completion, Leinemann Partner are the main point of contact for the DGUV and the IFA in all legal matters.



Ruhr-University Bochum

Step-by-step modernization

The University of Bochum is an old institution. It is now to be gradually renovated

Located in the heart of the Ruhr metropolitan region in the state of North Rhine-Westphalia, Ruhr University Bochum (RUB) was founded in 1965 and spans an area of 4.5 square kilometres, making it one of the ten largest universities in Germany.

In recent years, increasingly frequent structural deficiencies and a growing backlog of renovations have led to significant limitations in the university's research and teaching operations. As a consequence, RUB — in many parts in cooperation with the state authorities — launched a continuously evolving development and modernization plan. Implementing this plan poses considerable challenges for the university, particularly in terms of staffing resources. RUB is supported in this effort by Leinemann Partner's Düsseldorf office.. Since 2023, Oliver Schoofs and Mark von Dahlen have been advising RUB under a framework consulting agreement. They assist the university's construction management with all issues concerning construction and architectural law, public procurement and related legal areas.

RUB is one of the largest University institutions in Germany, enrolling ca. 42,000 students from over 130 countries and approximately 6,400 staff working in research, teaching, administration, and technical op-



Oliver Schoofs,
Specialist lawyer for
construction and architectural
law and public procurement
law, Düsseldorf



Mark von Dahlen,
Specialist lawyer for
construction and architectural
law, Düsseldorf

erations, among them more than 400 University professors. It is also one of the country's leading research universities, offering a broad spectrum of disciplines across its 21 faculties, ranging from the humanities and social sciences to the natural, life, and engineering sciences. At RUB, academic work is as diverse and distinguished as the campus itself. The university's physical layout, with all academic disciplines located in proximity, fosters interdisciplinary collaboration and promotes cross-disciplinary research and teaching to a significant extent.

As a result of successfully competing for nationally significant research infrastructure projects, RUB has already established four dedicated research buildings, such as ZEISS – the Center for the Engineering of Smarter Product-Service Systems – and THINK – the Center for Theoretical and Integrative Neuroscience and Cognitive Science. To maintain and further expand its leading status in research, RUB plans to undertake a series of extensive renovation and new construction projects in the coming years.

For these various projects, RUB's construction management project leaders can rely upon legal services from Leinemann Partner wherever needed. In addition to ongoing project support, attorneys Oliver Schoofs and Mark von Dahlen are also brought in for specific issues. These range from high-tech projects, such as the refurbishment of laser laboratories or the installation of 3D printers, compressed air, and humidification systems, to more traditional legal matters in construction and architectural law. This includes, for example, drafting and enforcing defect remedy demands toward contractors or reviewing and asserting claims for planning and supervision errors against design firms.

The goal of Leinemann Partner legal support is to help ensure that the development and modernization plan — as well as the continued expansion of RUB as a hub of international top-tier research — can be implemented on schedule and in a cost-effective manner.

Construction law challenges in the Hamburg HafenCity

The »Überseequartier« between harbour romance and urban awakening

Hamburg's HafenCity is growing – one of its last steps was completion of an ambitious construction projects: the Überseequartier.

A giant project, that will leave a lasting impact on the city's skyline. It is intended to create a cosmopolitan and urban district that combines living and working spaces with culture, leisure and innovative retail



This is the new face of HafenCity: the future look of the Überseequartier

photo: moka-studio



A view of Hamburg's largest construction site: The southern part of the Überseequartier is taking shape

The Überseequartier in Hamburg is one of the most ambitious urban development projects in Europe. Following the opening of the northern section in 2010, the southern part opened in April of 2025. What was once Hamburg's largest construction site is now Northern Europe's largest shopping and entertainment destination.

With approximately 2.26 billion euros invested, it comprises a site area of 14 hectares and 14 striking buildings. It includes 580 apartments, around 8,000 workplaces and a state-of-the-art shopping and entertainment center with 170 stores, over 40 restaurants, museums and a multiplex cinema featuring 10 screens and 2,300 seats. An inner-city cruise terminal, the »Cruise Center HafenCity,« for two cruise ships and an underground train station is intended to attract visitors from all over the world to the HafenCity. The project expands Hamburg's city center by 40% toward the Elbe River.



Eva Hildebrandt-Bouchon,
Specialist lawyer for
construction and architectural
law, Hamburg



Hauke Meyhöfer,
Specialist lawyer for
construction and architectural
law, Hamburg



Niklas Koschwitz,
Lawyer, Hamburg

Public transportation is also ensured: The U4 underground line, which was specially built, forms the backbone of the transport connection and has been connecting the quarter to the central public transport hub at Jungfernstieg since 2012. Since late 2019, the underground has also been connected to the new Elbbrücken S-Bahn station in eastern HafenCity. The sustainable mobility concept of the largely car-free above-ground quarter includes various bus lines, smart logistics and traffic guidance systems, e-charging stations and at least 3,500 bicycle parking spaces.

A project with challenges

The immense building law complexity repeatedly led to delays and cost increases. The project began with ambitious goals, but by 2024 at the latest, the developer and investor Unibail-Rodamco-Westfield (URW) came under increasing pressure. The opening of the retail area was postponed several times, finally to April 2025, when it opened. URW cites challenges regarding the technical building equipment, such as fire protection and safety systems, as well as the water damage incident in spring 2024, as particular reasons for the delays. >>>

photos: VerbundHoch3, Leinemann Partner



There are wide-span beams above the mall and complex areas, as well as heavily loaded beam grids in the cruise terminal area

»The competent and solution-oriented advice from the team at Leinemann Partner is of inestimable value to us. In complex construction law matters, Eva Hildebrandt-Bouchon, Hauke Meyhöfer and Niklas Koschwitz are always at our side with their expertise. Thanks to their ongoing advice and support, we were able to efficiently overcome the major challenges in the project during joint negotiation rounds and to achieve successes.«

Ángel García Martínez, Managing Partner of
Simalga Internacional

Additionally, there have been significant cost increases. What started as a one billion euros investment has now risen to around 2.26 billion euros – costs more than doubled. These additional costs result from change orders, quantity shortfalls, damages, and the extended construction period.

Our legal support

Leinemann Partner are representing the interests of Simalga Internacional in all construction law matters versus the developer and investor Unibail-Rodamco-Westfield (URW). Simalga Internacional is a specialist company based in Madrid, Spain, which has specialised in the construction and maintenance of technical building and infrastructure equipment for 30 years and operates throughout Europe. The focus of the legal work is on questions regarding compliance with contractual obligations, the technical implementation of the construction and the responsibility for significant cost increases as well as repeated delays.

Eva Hildebrandt-Bouchon, Hauke Meyhöfer and Niklas Koschwitz are advising their client in all construction law matters. These include the enforcement of claims, the review of supplementary agreements and the clarification of responsibilities in the event of construction delays. The goal of the Hamburg-team from Leinemann is to find solutions that help their client and do not place additional strain on the progress of the project.

photo: VerbundHoch3

Business Park Acquisitions

Strategic portfolio expansion

Sirius Real Estate Limited has acquired three business parks in Cologne, Göppingen and Klipphausen near Dresden for a total purchase price of approximately 55 million euros. The acquisitions were financed using proceeds from a 165 million euros capital increase completed in November 2023. Leinemann Partner team and Michael Göger advised Sirius Real Estate on the acquisition of the three business parks in Germany

The new asset in Klipphausen is located in the heart of Silicon Saxony, one of Germany's largest high-tech clusters, home to around 500 member companies from the information and communications technology sector.

With the new properties, Sirius is further strengthening its presence in key regions: the Cologne site marks the fourth business park in the metropolitan area on the Rhine, Göppingen the tenth in the Stuttgart region, whereas Klipphausen is the second property in the area around Dresden. Thanks to the proximity of these assets to other locations already in the portfolio, Sirius can leverage operational synergies and draw on local market expertise gained in previous transactions.

The acquisitions were legally supported by the real estate team at Leinemann Partner's Berlin office, led by Michael Göger, partner and head of the firm's real estate practice. He was joined by associates Arne Mafael and Martin Grochowski.

»We have worked with Leinemann Partner in the past and have once again been highly satisfied with the support provided – from due diligence to notarial closing,« says Tobias Schorstädt, Acquisitions Director at Sirius Real Estate Limited.

»We are very pleased to continue our successful collaboration with Sirius,« adds Michael Göger. »Having previously advised on the acquisition of major business parks in Frankfurt, Hamburg, Neuss and Dresden, this renewed mandate confirms the trust placed in our team and the quality of our work.«



Michael Göger,
FIDIC Dispute Adjudicator,
Berlin

photos: Sirius Real Estate Klipphausen, Leinemann Partner



Sirius Real Estate Klipphausen is a business park near Dresden

Sirius Real Estate Limited is a leading property company that operates business parks, industrial parks and office buildings in Germany and the UK. The group manages a well-diversified portfolio, serving clients ranging from multinational corporations to SMEs and freelancers. As of 30 September 2023, the portfolio comprised 139 properties leased to 9,248 tenants, with a total book value of approx. 2.2 billion euros and annual rental income of around 184.2 million euros. Sirius also holds a 35% stake in Titanium, a joint venture focused on German assets in cooperation with clients of AXA IM Alts, valued at 350 million euros.

Public Broadcasting

A new regional broadcasting center for Schleswig-Holstein

The decision has been made: The NDR will be leaving its current location at Kieler Schlossplatz to move its regional broadcasting center to the Science Park near the university. The new location is still in the planning stage. Once again, NDR is relying on Leinemann Partner for advice on real estate law



The planned new NDR building is located in the Kiel Science Park

Visualisation: Goldbeck



»We are very much looking forward to moving into the new building at the science park. Thanks to technological developments and new work processes, we now need significantly less space, and our conditions for integrated and collaborative work have improved considerably.«

Volker Thormählen, Director of the Schleswig-Holstein State Broadcasting Center

Since the 1960s, the NDR Regional Broadcasting Center for the state of Schleswig-Holstein is located in downtown Kiel, right on the Kiel Fjord. On April 5, 1965, the »Studio Kiel« began broadcasting operations both for radio and television - at the time, still housed in the post-war rebuilt Kiel Castle. As the space became too limited, the first part of today's broadcasting center was constructed on the neighboring lot and gradually expanded over the decades.

Today, around 400 employees work at the NDR broadcasting center for Schleswig-Holstein - about 330 of them at the Kiel location, approximately 80 to 90 of them as freelance contributors. However, the current building has reached its limits, especially in light of the digital age and the subsequent media technology changes. Furthermore, new demands and expectations for workflows and production processes have become issues, as well as evolving workplace requirements due to remote and hybrid work models. The building complex itself has aged significantly and would require extensive renovation and reconstruction to remain fit for the future.

After carefully evaluating various options, NDR made a bold decision: a fresh start at a new location with a new building. The new cross-media-compatible broadcasting center is set to be smaller and more modern - and NDR will become a tenant rather than an owner. The new site in the Kiel Science Park offers attractive advantages compared to the current downtown location. Situated next to the campus of Kiel's

Christian-Albrechts-University, the area - known for its technological focus - boasts excellent public transport connections and existing infrastructure with a wide variety of restaurants and cafés within walking distance, making it a fitting environment for the future NDR broadcasting center.

The lease for the premises in the to-be-constructed multifunctional office building was signed in March 2023. After detailed planning with the landlord, the general contractor, and NDR's technical planning team, the requirements for the building were cleared. NDR independently carried out the sophisticated media-technical interior equipment and its installation. NDR relied on the legal advice of Hauke Meyhöfer, Niklas Koschwitz and Bastian Haverland from the Hamburg-office of Leinemann Partner during contract negotiations, drafting, and for coordination with the various stakeholders.

Meanwhile, the general contractor has completed the shell of the building and NDR is in the middle of the technical interior fit-out - all with the goal of being ready to broadcast on time.



Hauke Meyhöfer,
Specialist lawyer for
construction and architectural
law, Hamburg



Bastian Haverland,
Specialist lawyer for construction
and architectural law and public
procurement law, Hamburg



Niklas Koschwitz,
Lawyer, Hamburg

Photos: NDR, Leinemann Partner

5 Offices in Germany and 12 contact partners

Leinemann Partner offices can be found in the largest German cities.
Every Office is headed by one or more partners. Potential clients without a personal
contact may get in touch with one of the partners listed below.

For further information on the partners and all other lawyers of the firm,
please visit our website www.leinemann-partner.de/en/lawyers

Berlin

Friedrichstraße 185 – 190
10117 Berlin

phone: +49 30 206419 0
fax: +49 30 206490 92
berlin@leinemann-partner.de



Prof. Dr. Ralf Leinemann
Specialist lawyer for
construction and architectural
law and public procurement
law



Jochen Lüders
Specialist lawyer for
construction and architectural
law and public procurement
law



Dr. Eva-D. Leinemann, LL.M.
Notary in Berlin
Specialist lawyer for public
procurement law



Dr. Thomas Kirch
Specialist lawyer for public
procurement law



Dr. Ralf Averhaus
Specialist lawyer for
construction and architectural
law



Michael Göger, LL.M.
FIDIC Dispute Adjudicator



Stefan Erdmann
Specialist lawyer for
construction and architectural
law

Hamburg

Ballindamm 7
20095 Hamburg

phone: +49 40 468992 0
fax: +49 40 468992 17
hamburg@
leinemann-partner.de



Dr. Thomas Hildebrandt
Specialist lawyer for
construction and architectural
law and public procurement
law



Bastian Haverland
Specialist lawyer for
construction and architectural
law and public procurement
law

Düsseldorf

Berliner Allee 22
40212 Düsseldorf

phone: +49 211 5502888 0
fax: +49 211 5502888 10
duesseldorf@
leinemann-partner.de



Oliver Schoofs
Specialist lawyer for
construction and architectural
law and public procurement
law

Frankfurt

Wendelsweg 64a
60599 Frankfurt am Main

phone: +49 69 9550136 0
fax: +49 69 9550138 9
frankfurt@
leinemann-partner.de



Dr. Till Fischer
Specialist lawyer for
construction and architectural
law, Specialist Planner for
Preventive Fire Protection

Cologne

Hohenzollernring 21-23
50672 Köln

phone: +49 221 292194 0
fax: +49 221 292194 49
koeln@leinemann-partner.de



Dr. Oliver Homann
Specialist lawyer for
construction and architectural
law and public procurement
law

Dispute resolution based on the FIDIC contract models

FIDIC, an acronym for *Fédération Internationale des Ingénieurs-Conseils*, is best known for its internationally recognised standard contract forms. The most widely used are the Red Book, the Yellow Book and the Silver Book («Rainbow Suite»). These FIDIC contract models are widely used internationally, almost like the VOB/B for Germany. All three books are explained in the VOB/B commentary, edited by Ralf Leinemann (8th edition 2024)

By Michael Göger

The FIDIC dispute resolution procedure
In the multi-tiered FIDIC dispute resolution procedure, every dispute is initially referred to the »Engineer«. If the Engineer is unable to reach an agreement, he has the right to make a preliminary binding decision. If one of the parties disagrees with the Engineer's decision, the dispute proceeds to the next level. At that point, a Dispute Avoidance and Adjudication Board (DAAB) becomes involved. The last stage is then international arbitration.

The role of the Engineer in connection with dispute resolution
The Engineer (referred to as »Employer's Representative« in the Silver Book) is appointed and paid by the Employer and also represents him externally, see Sub-Clause

3.1ff. The Engineer is the »boss« of the project, supervises, defines performance, issues instructions and also approves payments.
However, before the Engineer may exercise his right to determine performance, he is obliged to aim for an amicable solution. Only if this fails a »Determination« may be made, which must be »fair« (Sub-Clause 3.7). It is then (provisionally) binding until it is overturned by the DAAB or an arbitral tribunal. If a party is dissatisfied with the Engineer's Determination, it must notify this within 28 days («Notice of Dissatisfaction»).

Dispute Avoidance and Adjudication Board (DAAB)
At the center of dispute resolution under the FIDIC Books is the DAAB, which generally consists of three adjudicators. These

are freely selected by the parties based on their expertise. They are usually engineers and lawyers. For guidance, FIDIC and in Germany also the Association of Consulting Engineers (VBI), provides a list of certified adjudicators, which has included attorney



Michael Göger is a VBI-certified FIDIC adjudicator and lawyer. He acts as both an adjudicator and a party representative in adjudication proceedings

photo: Leinemann Partner

Michael Göger from Leinemann Partner since 2021.
If both contracting parties agree, they may jointly ask the DAAB to support an informal resolution of disputes and thus reach a mutual agreement or settlement before the matter escalates. The DAAB may also act proactively (Sub-Clause 21.3 para. 1). All guidance provided by the DAAB during these informal discussions is non-binding. This is intended to facilitate cooperation and open communication in disputes between the parties during the execution of the project work.

The adjudication of conflicts
If no amicable solution is reached, either party may request a preliminary binding decision from the DAAB. As the adjudication procedure is intended to be a fast and efficient method of conflict resolution. The DAAB must be approached within 42 days of

receiving the Notice of Dissatisfaction following the Engineer's Determination, otherwise that Determination becomes binding (Sub-Clause 21.4.1 a).
The DAAB must generally issue its decision within a very short timeframe of 84 days (Sub-Clause 2.4.3 para. 4). During the procedure, the contract continues to be unchanged, and there is no right to refuse performance. The decision made by the DAAB is provisionally binding, even if it is contested later.

Rejection of the DAAB decision
If a party is dissatisfied with the DAAB's decision, it must declare this within 28 days (Notice of Dissatisfaction, NOD), otherwise the decision becomes binding on both parties (Sub-Clause 21.4.4). After the NOD has been issued, both parties may again attempt to reach an amicable settlement, see Sub-Clause 21.5. Otherwise, either party may then initiate arbitration

and have an arbitral tribunal constituted in accordance with the ICC rules. The arbitral tribunal then makes a quasi-final and binding decision and may overturn or amend the DAAB decision.

Dispute resolution proven internationally
The cooperative character of the DAAB procedure strengthens trust between the parties and promotes fair dispute resolution. At every stage, mutual agreement takes priority. A contentious decision-making process follows only if no agreement can be reached. In any case, postponing problems to an ever later point in time is avoided, and the project itself remains on track. Leinemann Partner have accompanied numerous adjudication procedures domestically and abroad, both as lawyers and as adjudicators. It is likely that such procedures will increasingly be agreed upon in German contracting practice.

If both contracting parties agree, they may jointly ask the DAAB to support an informal resolution of disputes and thus reach a mutual agreement or settlement before the matter escalates

photo: Chat GPT



New opportunities in litigation by Commercial Courts in Germany

The widespread criticism of excessively lengthy and bureaucratic proceedings before German civil courts was not entirely unheard. In 2024, the »Act to Strengthen Germany as a Hub for Justice« was passed. According to this law, federal states can designate specific panels at the Higher Regional Courts (OLGs) as so-called Commercial Courts, establishing them as courts of first instance for disputes between companies and staffing them with particularly specialized judges

By Ralf Leinemann

In April 2025, such Commercial Courts were established at the Higher Regional Courts in Berlin (Kammergericht), Düsseldorf, Hamburg, Bremen, and Stuttgart, Frankfurt followed suit in July 1, and similar steps are expected in Munich. It remains to be seen if further Courts will follow. At the very least, parties are now free to choose one of the existing Commercial Courts for their commercial legal disputes if no arbitration clause is stipulated in the contract.

For several years now, specialized chambers for construction matters and architectural law are installed at regional courts and at the Higher Regional Courts. The

new Commercial Courts are an additional offering within the public court system. They come with the hope of a more professionalized case management – similar to what is found in arbitration proceedings. For instance, the new § 612 of the Code of Civil Procedure (ZPO) provides for an early »organizational hearing« between the court and the parties. In arbitration, this is called a »Case Management Conference« and serves to pre-structure the proceedings in cooperation with the parties. Similar to international arbitration, parties can also request a verbatim transcript by a court reporter during hearings before the Commercial Court.

Particularly qualified judges were selected for these new panels. At the Kammergericht in Berlin, Björn Retzlaff has been appointed presiding judge of the Commercial



Ralf Leinemann,
Specialist lawyer for
construction and architectural
law and public procurement
law, Berlin

photo: Leinemann Partner



Historic landmarks and innovative courts: The Berlin Court of Appeal and the Dusseldorf Higher Regional Court

Court, and at the OLG Düsseldorf, it is Tobias Rodemann. Both are well-recognized experts in construction law and are held in high regard within the legal community. This clearly shows that the Commercial Court is also intended to handle large construction cases—which is entirely appropriate, as many regional courts are demonstrably overwhelmed by complex construction disputes. For anyone who must litigate construction issues, there is now a compelling alternative to the traditional route of filing suit at the regional court.

In North Rhine-Westphalia, Baden-Württemberg, Hesse and Berlin, Commercial Chambers have also been established—specialized divisions at the regional courts where proceedings can also be conducted in English.

Jurisdiction Must Be Specifically Agreed

However, access to the Commercial Court is not automatic. The parties to a dispute must agree in each individual case (in future contracts this can be done in advance through a corresponding clause) that their case shall be decided by the Commercial Court. If such an agreement is not reached, claims must still be filed with the

ordinary regional court. Since 2018, these courts have specialized chambers for construction law – provided, however, that construction matters are not arbitrarily distributed by the courts among various chambers in rotation, which would lack the necessary expertise (a problematic practice in German court administration).

Another requirement is a minimum amount in dispute of 500,000 euros. This ensures that the specialized panels can focus on significant proceedings. Another distinctive feature is that proceedings before the Commercial Court can be conducted entirely in English, if the parties so agree. A later third-party notice recipient may then request that interpretation and translation be provided for them, if necessary. Especially important is that appeals to the Federal Court of Justice (BGH) are always allowed (§ 614 ZPO n. F.). The newly inserted §§ 610–614 of the German Code of Civil Procedure contain more detailed provisions.

Unfortunately, the Commercial Courts are only competent for legal disputes between companies and business matters (§ 14 BGB), meaning that lawsuits against public authorities cannot

be heard there. This will hopefully be corrected soon, as public authorities are frequently a responding/defending party. As of now those respondents are benefiting from the long duration of proceedings—as well as from the difficult-to-justify privilege of being exempt from all procedural costs before German courts. However, publicly owned enterprises incorporated as private companies, e.g. AG or GmbH—such as Deutsche Bahn AG, municipal utilities (Stadtwerke GmbH), airports, and public transport companies – may agree to submit their disputes to the Commercial Court. Since the Commercial Court is a regular state court under the German Courts Constitution Act (GVG), there should be no legal obstacles to such agreements in these cases.

Outlook

With the establishment of the new Commercial Courts, an interesting new option now exists for conducting litigation – especially in large-scale construction disputes. Anyone needing to initiate such proceedings and unable or unwilling to resort to arbitration should consider turning to the Commercial Court in the future.

photos: till beck, mitifoto/AdobeStock

The Award-Winning Law Firm

It is true – we are flooded with too many rankings and listings for lawyers and all kinds of professions and industries. However, Leinemann Partner are top-contenders in virtually all these listings, so we present but the most renowned reference lists on the legal market

Chambers

In the *Chambers Germany 2025* ranking, we confirm our top position in *Projects: Construction* with a Band 1 ranking. **Ralf Leinemann** is the only lawyer ranked in Band 1 and is praised for his extensive expertise in construction projects and construction-related disputes. **Thomas Hildebrandt** is listed in Band 4 as an expert in cross-border infrastructure projects and procurement issues. **Eva-D. Leinemann** is first-time listed in *Public Law: Public Procurement/PPP* and has entered directly into Band 3 – thanks to outstanding feedback from the market and clients just alike **Ralf Leinemann**, who is recommended as a distinguished expert in procurement law, regularly advising on review procedures and construction-related mandates.

The Legal 500

The *Legal 500 Germany 2025* ranking once again confirms the quality of Leinemann Partner in key legal fields: The firm is recommended in the 2025 edition as Tier 2 in construction law, but Top Tier in plant construction, Tier 2 in procurement law, and Tier 5 in real estate law. **Ralf Leinemann** is even included into the *Hall of Fame*, and **Michael Göger** and **Thomas Kirch** are recommended as lawyers.

WirtschaftsWoche

The German business magazine *WirtschaftsWoche* has repeatedly named Leinemann Partner a »TOP Law Firm« for construction law and public procurement law and done it too in 2025. They awarded **Ralf Leinemann** and **Eva-D. Leinemann** the title of »TOP Lawyer 2025.« For the third consecutive time, **Ralf Leinemann** is named one of the three *Legal Allstars* in construction law by *WirtschaftsWoche* – no other construction lawyer has been named more often.

Lexology Index

The *Lexology Index* (formerly *Who's Who Legal*) has recognized three of our partners among the leading lawyers of their field of expertise in 2025. **Thomas**



Kirch is once again recommended in the national category *Government Contracts*. **Ralf Leinemann** receives both national and international recommendations in *Construction and Government Contracts*. He is also listed as one of a few *Thought Leaders*. Long standing partner **Jochen Lüders** is now also listed a leading lawyer in the *Construction* category.

JUVE

The *JUVE Handbook of Commercial Law Firms 2024/2025* again counts Leinemann Partner among the top law firms both in construction and procurement law. In construction law, JUVE states: »No construction law practice is as present in the infrastructure sector as Leinemann Partner Rechtsanwälte. Traditionally strong in road and rail construction, the firm has in recent years increasingly positioned itself in projects related to the energy transition.« In procurement law, JUVE highlights that the firm »now covers the market broadly, even beyond its core industries.« JUVE particularly recognizes the close integration of construction, real estate, and procurement law, as well as the firm's expertise in infrastructure projects, complex new construction projects, the IT and healthcare sectors, concession awards, and complex review procedures. In construction law, **Thomas Hildebrandt** and **Ralf Leinemann** are listed as »Leading Names,« and **Oliver Schoofs** is »frequently recommended.« In procurement law, **Ralf Leinemann** is for many years among the few »Leading Names,« **Thomas Kirch** is noted as a »Rising Star in Procurement Law,« and **Eva-D. Leinemann** is »frequently recommended.«

Handelsblatt / Best Lawyers

The U.S. publisher *Best Lawyers*, in cooperation the German business newspaper *Handelsblatt*, has identified Germany's best commercial law firms and lawyers for 2026. **Fourteen colleagues** from Leinemann Partner were recognized as *Best Lawyers*. In addition, **six colleagues** were honoured as *Ones to Watch*. **Ralf Leinemann** was named *Lawyer of the Year* in construction law, which comes to him for a second time since that ranking started in 2016.

photo: Adobe Firefly

The firm's Retreat on Usedom

At the end of March 2025, all lawyers of Leinemann Partner gathered on the island of Usedom for a three-day retreat and strategic meeting. The focus was on personal exchange and inspiring impulses for our daily work. Highlights of the program included expert presentations by **Tim-Oliver Müller** (German Construction Industry Federation) on the future of the construction industry, **Carmen Schön** on business communication, and **Simon Schütz** (German Association of the Automotive Industry) on the challenges of electromobility. In four hands-on workshops, we jointly developed new approaches and strategies for the future. The retreat was rounded off with a festive dinner followed by a party – a perfect mix of knowledge sharing and team spirit.



25th Anniversary of the Firm: Celebration in Hamburg

Leinemann Partner turned 25 Years in 2025. This was of course celebrated by a fantastic party weekend. On June 20 and 21, 2025, all lawyers and staff members of Leinemann Partner came together in Hamburg to celebrate the firms founding at the millenium 25 years earlier. The program began on Friday afternoon accompanied by bright sunshine with a grand boat tour through the Port of Hamburg. Back on land, the group headed to the festive evening event at the restaurant *Veermaster* right on Hamburg's famous party-mile Reeperbahn, which has been the place for sailors to party when in the Hamburg port for hundreds of years. At the restaurant, guests were welcomed with a stylish reception offering a stunning view of the bustling Reeperbahn from the rooftop terrace which was reserved exclusively for Leinemann Partner. In his ceremonial dinner speech, **Ralf Leinemann** was reflecting on 25 years of the firm's history, telling anecdotes of glorious victories in courtrooms, great project awards and the unprecedented way of the startup-firm of the year 2000 to Germany's market leader in construction and procurement law. He closed the speech by an optimistic outlook on the future given the firm's focus on infrastructure and the German and European political and financial focus on exactly this field of investment. Then the party got really started and went on all night. Next Saturday morning, (most) everyone met at the HafenCity for guided tours to explore the district's modern architecture, the historic Speicherstadt, and the Elbphilharmonie Plaza.

All these places also marked mandates by clients of Leinemann Partner. The celebration weekend concluded with a lunch at the Kaiserperle restaurant in HafenCity, before the group dissolved to individually tour Hamburg before returning home. The feedback was overwhelmingly positive. Most of us are already dreaming of the party to celebrate the 30 years anniversary in 2030.



photos: Leinemann Partner



Cosima von Bonin: »7000 palms«. Installation view Fridericianum and in the City of Kassel

photos: Nicolas Wefers; © Cosima von Bonin, documenta und Museum Fridericianum gGmbH



Cosima von Bonin (born in Mombasa, Kenya in 1962; raised in Austria; currently based in Cologne, Germany) is a renowned contemporary German artist. Her multidisciplinary approach spans sculpture, installation, textiles, sound, film, photography, painting, and performance

photo: Simone Junker

Palms for Everyone:

Cosima von Bonin's Intervention in the city of Kassel

In 2025, the internationally renowned art exhibition documenta celebrated its 70th anniversary. On this occasion, the Museum Fridericianum in Kassel presented the extraordinary project *7000 Palms* by the Mombasa-born, Cologne-based artist Cosima von Bonin. Largely supported by the Leinmann Foundation for Education and Art, the work transformed Kassel into a poetic palm grove of fluttering palms for one summer.

The artist designed green and white bunting whose pennants, rather than taking the familiar triangular form traditionally seen at folk fairgrounds, were shaped like the silhouette of a palm tree — a recurring motif in her work. In this context, the palm stands not only for distance and longing but also for peace, community, and cultural diversity. The entire city of Kassel was invited to hang these palm garlands and connect buildings and streets with them, which widely happened. The project is an homage to Joseph Beuys' legendary 7000 Oaks as well as a reference to Daniel Buren's bunting installation for documenta 7 in 1982, presented under the motto *Foresting the City Instead of Administering It*.

The action was accompanied by a diverse program of events, including school projects in which children and young people were invited to design their own palms creatively and freely, as well as workshops, performances, lectures, and concerts. Thus, art was brought out of the institution and into everyday life, sparking conversations about creativity and social interaction. In short, it was a project that brought people together.

Several major museums have since acquired pieces of the work for their collections, including such renowned institutions as Museum Ludwig in Cologne, Lenbachhaus in Munich, Ludwig Forum in Aachen, MUDAM in Luxembourg, and mumok in Vienna. Far beyond Kassel, this artistic intervention received highly positive responses — giving the city of Kassel a summer beneath the palms.



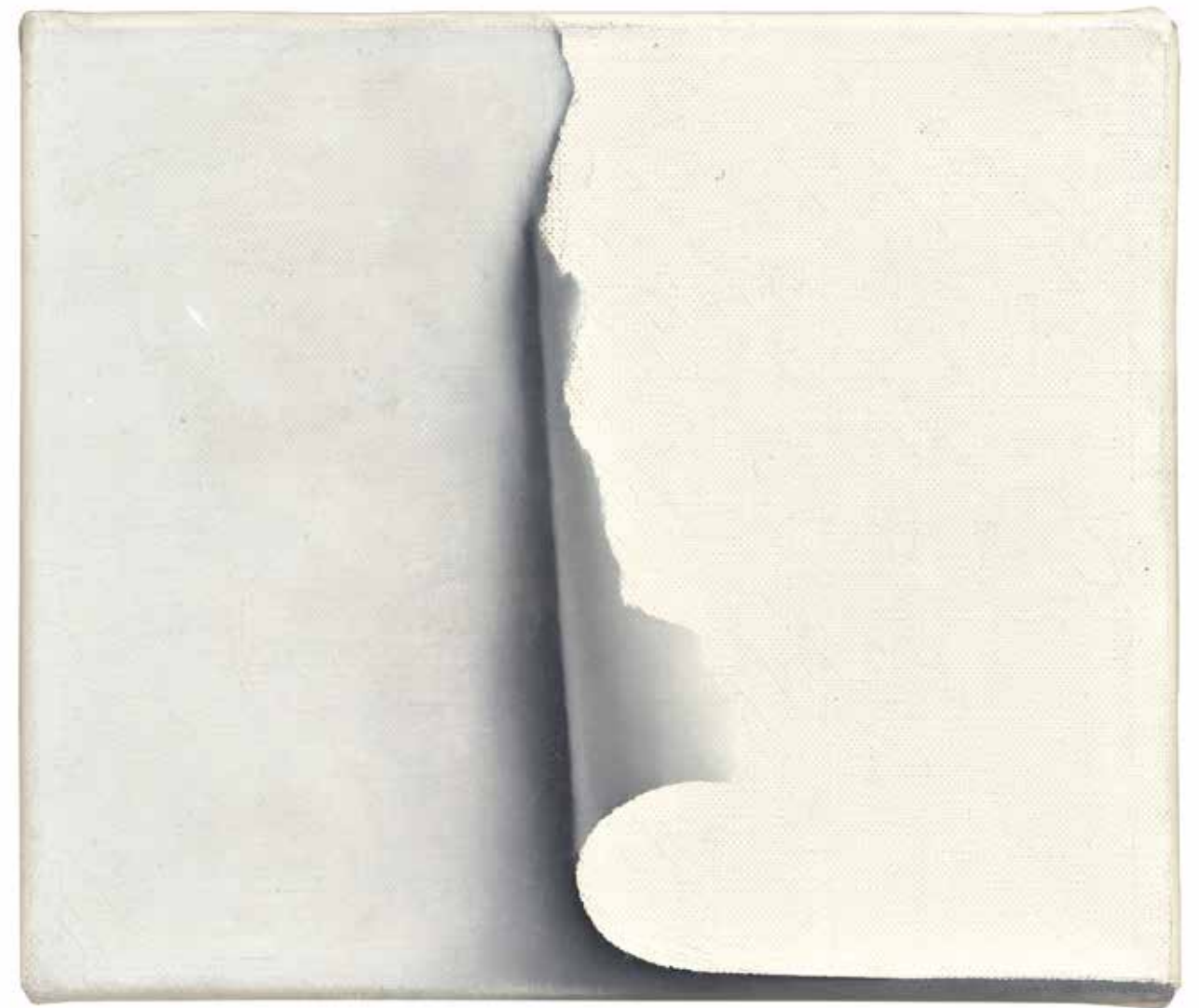
Jay Gard's new, spectacular sculpture »Plywood« in Olbernhau/Saxony

Hollywood or Plywood?

For the year 2025, the Saxon industrial city of Chemnitz is European Capital of Culture. This comprises 38 municipalities from Central Saxony, the Ore Mountains and the Zwickau region. The art and sculpture trail PURPLE PATH and its narrative »Everything comes from the mountains« is connecting these places by presenting works by renowned regional, national and international artists. They are all referencing the region's mining-shaped past. The Purple Path is a large circular route around the Chemnitz area and leads to a variety of exhibition sites with remarkable artworks. The Leinemann Foundation for Education and Art made it possible, with a signi-

ficant donation, for artist Jay Gard to create the sculpture »Plywood«. Jay Gard grew up in Chemnitz and now lives and works in Berlin. The sculpture, made of sheet metal, spells the word »Plywood« in the iconic typography of the »Hollywood« sign, to which it refers. It pretends to be something it is not: metal imitates wood. Until the early 1990's, the small town of Olbernhau, where the sculpture is installed right by the train station, was a place in the central Ore Mountains where wood production was a major economic factor. This industry has since declined significantly and the artwork thus symbolises processes of transformation, combination and shifts in meaning of economic, cultural and symbolic aspects.

photo: Johannes Richter



Gerhard Richter. "Umgeschlagenes Blatt". 1966. Oil on canvas. 18 x 21 cm. Sold for 745,000 EUR (incl. premium)

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