

fieldfisher

ESG services

Brussels, 2023



Our office in Brussels

Fieldfisher is a European law firm providing practical solutions across a range of industry sectors. Our network has more than 1,700 people working across 26 locations.

The Brussels office is full service and gathers more than 60 lawyers (including 23 partners) who specialise in the major environmental, social and governance (ESG) practice areas, specifically :

- ↳ Banking & Finance
- ↳ Corporate & M&A
- ↳ Commercial contracts
- ↳ Competition
- ↳ Data protection & privacy
- ↳ Dispute resolution, litigation, mediation and arbitration
- ↳ Employment
- ↳ Energy
- ↳ Environment
- ↳ EU Regulatory
- ↳ Intellectual property
- ↳ International trade
- ↳ Technology
- ↳ Tax

Committed to excellence, cost-effectiveness and adding value, we are known for our commercial and practical approach, and for our track record in delivering innovative advice to clients.

Your Objectives are Our Focus.

Building a long-term relationship with you is important to us. This ensures that we understand your industry sector and are able to see things from your perspective. We are proud of the long association we have with many of our clients and the contribution we have made to their businesses.

We always ensure that our advice is clear and focused, our approach is flexible and hands-on, and our service is partner-led. We offer transparency so that you are always aware of what is involved throughout our work together. We also understand your need to control your legal spending.

We put together well co-ordinated and cost-effective teams of lawyers, appropriate to the size of the matter or the complexity of the work to be done. As such, there is no unnecessary sub-delegation and a partner will always keep an eye on the efficiency and quality of work.

We also provide you with free value-added services. Knowing that it can be difficult to keep up with the frequent and complex changes in employment law, we organise a popular and regularly attended seminar and workshop program, so you can be confident you are up-to-date with the latest legal developments.

Our ESG services

ESG is a key priority for our firm. As consumer, industry, and political priorities and challenges are evolving, we are here to support and advise our clients in this dynamic area.

In the face of significant ESG challenges, regulators at various levels are actively stepping in to guide society towards a more sustainable future. ESG has become a key factor in consumer and corporate decision-making processes. The ubiquity of ESG makes the topic indispensable on companies' priority lists.

The name of the game is to convert challenges imposed by ESG into opportunities through the swift accumulation and implementation of knowledge on the one hand, while pursuing a coherent long-term strategy on the other. Through our single advisory platform, Fieldfisher Brussels offers a dedicated ESG & Sustainability Focus Group not just for Belgium but throughout the EU's Member States.

Our cross-departmental team of lawyers from practice areas such as environmental, conflict minerals, energy transition, product regulatory, food, employment, water, tech and data, finance, and corporate law has ample experience and expertise in providing public and private actors with comprehensive hands-on ESG and sustainability-related services.

Examples of relevant experience

Plastics and Packaging

- Advising several clients and EU associations on microplastics restrictions and the Single Use Plastics Directive.
- Advising many clients on the ongoing proposal for an EU Packaging and Packaging Waste Regulation and the policy framework for BBC plastics.
- Green chemicals.

Climate Change

- Assisting clients in developing a Paris-aligned strategy and avoiding liability risks in the context of climate change litigation.
- Assisting various clients in developing their EU ETS obligations strategy on medium and long term, from a project and pricing point of view.

Food

- Assistance on queries related to the (future) legislation on sustainable food systems and due diligence.
- Advising clients on various queries related to the indication of origin, transparency, food labelling and green claims, nutrition policy and other policies related to the Farm to Fork Strategy.

Our ESG services

Energy

- Assisting multiple energy suppliers in their strategy and consideration as to the sale and supply of renewable energy and the certification of the renewable character of the supplied energy throughout the EU, more specifically within the guarantee of origin systems between countries.
- Assisting various clients as to how to comply with energy efficiency obligations and reporting as industrial players, including with regard to support mechanisms and state aid.
- Assisting industrial consumers regarding their strategy of renewable energy production, including on site projects, corporate PPAs, closed distribution grids and direct lines.
- Assisting Flemish public energy companies in various sustainable procurement tenders, including designing specific selection and award criteria for sustainable procurement of (gas and) electricity.
- Assisting a consortium of public bodies in their strategy as to electricity sourcing, including virtual PPAs, closed networks, and designing specific selection and award criteria for sustainable procurement.

Green Claims

- Advising clients on green claims, labelling and on how to avoid greenwashing accusations.
- Assisting clients with the implementation of data protection compliance frameworks to ensure they process personal data lawfully.

Technology & Data

- Advising clients on data security and helping clients manage the impact of data security and personal data breaches.

Areas of expertise

Renewable energy, energy efficiency & energy communities

Renewable power generation accounts for a rapidly growing share of the global energy mix, driven by policy developments and commercial opportunities. This competitive sector is becoming more tightly regulated, meaning that clients need advice from renewable energy lawyers who are ahead of the game and who can provide wraparound legal support. Our market-leading team of energy specialists deal with issues ranging from local to global, based on practical experience, clear analysis and commercial nous to ensure clients achieve their objectives.

We act for various clients across the low-carbon sector, including project developers, suppliers and institutional investors. We understand and can preempt the issues that often arise in developing large and small-scale wind, solar, hydrogen, waste-to-energy, storage and biomass projects. We regularly offer strategic advice to industrial consumers on renewable energy production, including on site projects, corporate PPAs, closed distribution grids and direct lines. Our team also particularly focuses on long term strategy, subsidy-free projects and ESG reporting.

In addition, we have vast experience in assisting clients in compliance with energy efficiency obligations and reporting obligations, including as to support mechanisms and state aid. Moreover, we are particularly well placed in offering strategic guidance in the setup of local initiatives, cooperations, or communities as to corporate and regulatory structure, specifically in the framework of energy and heating production initiatives.

“They have ample experience in all matters related to renewable energy, and their legal expertise is sufficiently combined with concern for our commercial interests.”

Chambers Europe, 2023 – Energy

Areas of expertise

Sustainable work and benefits, health & safety

Well-being at work includes all the factors relating to the working conditions in which it is carried out, such as safety at work, the health of the worker, the psychosocial load caused by the work, ergonomics, hygiene at work and embellishment of workplaces. These elements are guaranteed by employment law in Belgium, and need to be applied faithfully.

Worker health and safety is a cornerstone of sustainability and should be the object of a strong commitment of the employer to health & safety, helping reducing injuries, illness and fatalities. Besides that, health and safety is a foundation for sustainable growth: a committed, happy workforce and safe, healthy workspaces are necessary elements in becoming a sustainable and productive company.

In this line, our employment law department assists you with the variety of complex topics that relate to ESG, such as equal pay, diversity and inclusion, honest labour contracts & benefits and fair salary packages. With a pro-active approach, we believe to be able to avoid many employment problems through swift action in the early stages. Therefore, the ESG focus group always reacts quickly and hands-on, with a pragmatic solution while maintaining the high-quality advice our clients expect to handle ESG issues appropriately.

Data protection, privacy & cybersecurity

Over the last decade, the technology industry has been booming exponentially and has now become an extremely competitive industry. With the recent surge of European legislations regulating the sector, the latter bears heavy compliance costs. In fact, the pace

at which the EU lawmakers are enacting regulations and directives makes it difficult for companies involved in the sector to navigate through this path full of ambushes.

Privacy, as human right, is a key to successful business. Minimising data collected reduces energy outputs. Privacy-oriented technology and strong data resilience strategy prevent from potential damages while enhancing the company's reputation and investors' interests.

Our Tech & Data team has helped several organisations through this legislation maze in order to make sure any data protection, criminal, consumer protection or civil claim can be avoided by paving the way to compliance upfront.

Sustainable finance and green lending

Since the birth of the EU Green Deal, and the adoption at European level of international commitments on climate and sustainability targets, sustainable finance has been thrust to the forefront. Legislators are implementing their commitments by channelling private investments into the transition to a climate-neutral, climate-resilient, resource-efficient and equitable economy, complementing public money, through various legislative standards.

Our ESG experts, including banking and financing partners, can assist companies and organisations with different types of green loans and sustainability-linked loans taking into account the various ESG principles that are put forward by market leading organisations such as the Loan Market Association.

“The team demonstrates in-depth knowledge of the regulations and is able to relate the information in a way the layperson understands.”

Chambers Europe, 2023 – Data Protection

Areas of expertise

With a vast expertise in renewables finance, our specialist lawyers provide a go-to service for clients looking to develop, invest or finance in green sectors such as renewable energy. Furthermore, working hand in hand with energy law specialists allows Fieldfisher to offer diverse, innovative and tailor-made services in the energy sector transactions (involving financings and M&A). This close cross-departmental collaboration between enables us to assist you on the full cycle of a renewable energy project in order to reach the expected success of such green projects.

ESG reporting & disclosure

As part of the EU Green Deal, different norms (will) require certain companies to disclose some non-financial information, which can be seen as part of conducting a sustainability due diligence. Companies must report on what they see as the risks and opportunities arising from social and environmental issues, and communicate on the impact of their activities on people and on the environment. ESG reporting is also important for attracting sustainable investors, identifying and managing risks and opportunities related to environmental and social impact, and to building transparency with investors and stakeholders.

The ESG focus group assists you analysing the applicability of reporting & disclosure norms and to ensure compliance with related requirements imposed by domestic, regional and international law.

Corporate and directors' liability & ESG disputes

Although it is commonly accepted that companies are supposed to pursue a profit motive, there is a growing expectation that companies set up for profit should take into account environmental and social aspects.

Besides that, recent legal and doctrinal developments make it possible to create a company that also pursues social or environmental interests. Henceforth, we can imagine that proceedings could be initiated by companies against other companies in the area of social and environmental matters. Such disputes can arise in various forms, including as a claim for directors' liability, shareholders disputes, proceedings related to the right of investigation, squeeze-out procedures or even an activist shareholders' campaign.

We closely follow the ongoing legal and doctrinal development of extra-financial factors in relation to corporate law and trends in corporate climate and environmental litigation, which enables us to provide you with tailored advice on ESG corporate dispute resolution. With our expertise in corporate law and dispute resolution, our ESG focus group is therefore ready to assist you with any dispute that involves the company itself, the shareholders or the directors, and that is related to environmental or social aspects.

Sustainability governance & M&A

ESG is not only a tool for identifying and mitigating risk, but also a means of value creation. An increasing number of transactions are being driven by ESG considerations, and companies are facing the challenges of integrating these ambitions into strategy, decision-making and operations. ESG factors can be expected to significantly influence the way companies select potential targets and business partners. Consequently, the increased investor interest in environmental and social aspects has focused the attention of regulators on ESG disclosure and enforcement.

“They are always at the forefront of anticipating change in regulatory frameworks.”

Chambers Europe, 2023 – Regulatory: Environment

Areas of expertise

Our M&A department has expertise in all types of domestic and cross-border transactions in the Belgian market and assists companies in the most complex, ambitious and multidisciplinary projects. We are aware of the environmental and social challenges that our society is facing, and we are able to assist companies and organisations to take this dimension into account in their transactions.

In addition, M&A transactions are financed by institutions or market players that take more account of the environmental and social aspects of the company, a focus that can also be addressed by our ESG focus group.

ESG contractual clauses & sustainable procurement

A recent trend for companies and public actors to reach ESG objectives is to include ESG contractual clauses in contracts or procurement procedures. ESG considerations can be integrated into contractual relationships in many sectors, ranging from energy to financials, materials, real estate and utilities. Such clauses can take on various forms and can have different objectives, such as fostering sustainable land use, auditing water usage in supply chains, including a net-zero standard, promoting renewable energy in supply contracts, transparent sourcing, incorporating circular economy principles, to name a few. Based on partnerships with broad databases of relevant template providers, our experienced team can tailor ESG clauses to your specific needs.

Furthermore, we are particularly specialised in assisting companies in various sustainable procurement tenders, including designing specific selection and award criteria for sustainable procurement of (gas and) electricity. In addition, our service includes assistance to public bodies in their strategy as to electricity sourcing, including virtual PPAs, closed networks, and designing specific selection

and award criteria for sustainable procurement.

Circular economy and critical raw materials

With initiatives along the entire lifecycle of products, the EU is actively promoting the development of a circular economy. In so doing, the EU seeks to accelerate the transition towards a regenerative growth model based on a sustainable product policy framework, key product value chains, and reducing waste while increasing value. Relatedly, the EU is taking concrete action to support its critical raw materials supply chains and reducing its reliance on third countries.

The multiple specific norms resulting from these action plans can have incisive impacts on your business activities but also provide unique opportunities to engage in future-proof pathways. Through a proactive approach, our ESG Focus Group assist you in responding appropriately and in strategically managing the impact on your company.

“I appreciate how Fieldfisher’s team always pays attention to properly understand the business and what’s at stake before jumping into conclusions. This makes them a key partner for me.”

Legal 500, 2023 – Commercial, Corporate and M&A

Areas of expertise

Green claims

Regulators at the domestic and EU levels are producing norms to ensure that reliable comparable and verifiable information is provided by companies to assist consumers with environmentally sustainable decision-making and to reduce the risk of greenwashing. So-called "green claims" are not only regulated in terms of their substantiation, but also how they are to be communicated. Amongst other things, this is currently leading to a series of high-profile lawsuits against companies, with potential financial and reputational damages.

Our team can navigate you through this multi-levelled framework in order to make sure any environmental claim complies with the dynamically evolving relevant norms, and to assist you with obtaining the desired ecological labels.

Compliance: food, chemicals & plastics

Through the EU Green Deal, the EU is taking significant steps to regulate sustainability through our production and consumption of products. This includes creating resilient and sustainable food systems through the Farm to Fork Strategy in order to make food fair, healthy and environmentally-friendly. It also entails a comprehensive Chemicals strategy aimed at evolving towards a toxic-free environment. Moreover, the EU's plastics strategy seeks to transform how plastic products are designed, produced, used and recycled in the EU.

These evolutions result in technical regulations that can profoundly affect corporate business plans but also bring about important opportunities embedded in clear pathways based on a solid understanding of the regulatory landscape. Based on decades of experience

in the relevant sectors and daily monitoring of new developments, our dedicated team can help you prepare for the future by helping to raise standards and reduce exposure to non-compliant practices.

Climate change, human rights, ETS & CCUS

The pressing need to tackle climate change and the EU's ambition to take the lead in tackling this problem through the EU Green Deal has a profoundly disruptive impact on business as usual of public and private actors within and outside of Europe. These actors must operate within a diffuse and unstructured loosely coupled set of complex regimes that lacks an overall architecture. It involves multilateral environmental agreements, regional regulation, over 2.500 climate laws and policies across at least 164 countries, each dealing with different issues such as mitigation, adaptation, renewable energy and loss and damage. In addition, litigants have initiated more than 1.800 climate cases in about 40 countries around the world, with equally diversified stakes.

Companies are also increasingly targeted, either directly or indirectly by such regulation and litigation. For instance, they are to consider due diligence obligations; reporting, transparency and certification obligations; obligations to surrender emissions allowances; to name a few. Relatedly, companies in hard-to-abate sectors may seek to invest in innovative technologies such as CCUS and carbon removal in order to mitigate climate change.

Our team is well-positioned to assist you with clarifying the regulatory landscape, identifying legal challenges related to climate change, offering strategic solutions, avoiding corporate and individual liabilities and optimising the ways in which you can reap benefits from the transition towards Paris-aligned climate policies.

"Excellent knowledge and skills in multiple chemical regulatory sectors."

Legal 500, 2023 – EU Regulatory: Chemicals – Tier 1

Our team



Sofie Heremans
Partner, Banking and Finance

+32 2 742 70 84
Sofie.Heremans@fieldfisher.com



Anne Kamp
Partner, Employment and Pensions

+32 2 742 70 32
Anne.Kamp@fieldfisher.com



Gerard McElwee
Partner, EU Regulatory

+32 2 742 70 74
Gerard.McElwee@fieldfisher.com



Stefan Nerinckx
Partner, Employment Law, Social Security and Immigration

+32 2 742 70 57
Stefan.Nerinckx@fieldfisher.com



Olivier Proust
Partner, Technology

+32 2 742 70 15
Olivier.Proust@fieldfisher.com



Lars Raedschelders
Partner, Corporate

+32 2 742 71 24
Lars.Raedschelders@fieldfisher.com



Peter Sellar
Partner, EU Regulatory

+32 2 742 70 71
Peter.Sellar@fieldfisher.com



Tim Van Canneyt
Partner, Technology

+32 2 742 70 36
Tim.VanCanneyt@fieldfisher.com



Wouter Vandorpe
Partner, Energy and Utilities

+32 2 742 70 18
Wouter.Vandorpe@fieldfisher.com

What they say about us

“Fieldfisher provides clear responses written in such a way that people who are not legal-based can understand.”

Chambers Europe, 2023 – Regulatory: Environment

*“Brilliant professionals. The support provided by **Peter Sellar** was excellent.”*

*“**Gerard McElwee** is a key name for both compliance work and litigation.”*

*“We had the pleasure to work with **Peter Sellar**, skilled, professional, available and providing outstanding insight on our topics of interest.”*

*“**Gerard McElwee** is a highly capable and talented lawyer who brings humility, pragmatism and common sense to any issue.”*

“Very successful performance and high success rates; straight forward approach versus realistic and achievable goals; strong positive reputation at all levels like industry, national and European regulatory authorities, ECHA, European Commission and many others.”

Legal 500, 2023 – EU Regulatory: Chemicals – Tier 1

*“**Sofie Heremans** is client-oriented and works to find the most pragmatic and workable solutions.”*

Chambers Europe, 2023 - Banking & Finance

*“**Sofie Heremans** is always available, hard-working and precise. She is also open to pragmatic solutions to avoid unnecessary back-and-forths.”*

“Proactive, no nonsense approach, competitive fees, up to speed with new technology.”

Legal 500, 2023 – Banking, Finance and Capital Markets

*“**Wouter Vandorpe** offers a structured, pragmatic yet comprehensive approach to problems.”*

*“We appreciate **Wouter's** manner of approachable contact and capacity to properly understand and translate our interests.”*

“Fieldfisher offers a very high level of quality coupled with unfailing availability.”

Chambers Europe, 2023 – Energy

“The team has extensive experience in energy-related projects and consists of specialist lawyers with different areas of expertise so regardless of the question at hand, they can answer it quickly. Because the firm has multiple offices throughout Europe, they are also capable of handling

pan-European cases, without having the need for multiple points of contact.”

Legal 500, 2023 – Industry focus: Energy

*“**Tim Van Canneyt** is a knowledgeable lawyer who is very responsive and pragmatic and delivers high-quality services in relation to data protection legislation.”*

*“**Tim** has great client service, is commercially savvy and gives excellent legal support.”*

*“**Olivier Proust** is an excellent lawyer with a thorough knowledge of his area of expertise, which he adapts to the business requirement of his clients when he gives advice.”*

Chambers Europe, 2023 – Data Protection

“The team is exceptional in all senses, their availability, quality of the work delivered, their knowledge of the sector as well as the privacy laws and their practical implications. The advice they provide is always practical and can be easily implemented in practice.”

Legal 500, 2023 – EU Regulatory: Privacy and Data Protection – Tier 1

“The team is always available, timely, efficient and pragmatic in their advice. A pleasure to partner with and truly business minded with a view to solving issues and driving outcomes.”

“The team I have been working with (for several years now) is competent, direct, frank and transparent. An outstanding and very highly recommendable team in my opinion.”

Legal 500, 2023 – Commercial, Corporate and M&A

*“**Stefan Nerinckx** is extremely straightforward and easy to talk to, always using practical language.”*

Chambers Europe, 2023 – Employment

*“**Stefan Nerinckx** has built a strong reputation over the years. He is a name in the market and well-known by HR professionals and peers. He is very knowledgeable, and an excellent litigator and negotiator as well as being an excellent legal advisor.”*

*“**Anne Kamp** is particularly recommended for employment issues in the life sciences and pharmaceuticals sectors.”*

“The personal approach and follow-up is something rare among law firms. Dedicated partners and their teams make sure that you are kept up to date at all times.”

Legal 500, 2023 - Employment

About Fieldfisher

Fieldfisher is a European law firm with market leading practices in many of the world's most dynamic sectors.

We are an exciting, forward thinking organisation with a particular focus on technology, finance & financial services, energy & natural resources and life sciences.

In 2019, Fieldfisher was awarded a 5 star ranking for client service by The Legal 500. It was one of only five firms in the top 25 list of UK-headquartered firms to receive 5 stars based on client feedback.

Our European network of offices supports an international client base alongside our Silicon Valley and China colleagues. We also work in a number of other

jurisdictions through dedicated country teams.

Among our clients we count social media sites and high street coffee chains as well as pharmaceutical, life sciences and medical devices companies, energy suppliers, banks and technology leaders.

We have over 1,700 professional advisers spread over 26 locations, all providing highly commercial advice based on an in-depth understanding of our clients' needs. Our clients trust us with work that can have a huge impact on their business or organisation.

We have built the firm on people who can be relied on to get it right; they possess exceptional legal knowledge, great market insight and real approachability.

About Fieldfisher

Fieldfisher is a European law firm with market-leading practices in many of the world's most dynamic sectors.

Key practice areas by size

(% of FY22 integrated office billings)



Alternative Legal Services

- Condor** is a unique platform, offering clients a range of customisable and process-efficient services beyond the traditional law firm offering.
- DLC** provides bespoke and cost-efficient support with the drafting, review, negotiation and execution of legal documents.

Our legal specialists service some of the world's largest international corporations including major technology firms, pharmaceutical and life sciences companies, energy suppliers, infrastructure companies, global banks and financial institutions.

We also work with small businesses, charities and governments and provide pro bono support to not-for-profit organisations. As an entrepreneurial, pragmatic and socially conscious firm, we embrace our purpose as a trusted, client-focused corporate citizen.



- r|r Roscoe Reid** is a specialist law firm that helps individuals make claims against large companies and organisations.
- X Fieldfisher X** delivers precise, cost-effective and time-efficient management of mass litigation and other legal services.

fieldfisher

Key industry sectors

- Technology**
We operate at the forefront of international tech law with a deep understanding of how it impacts business from a regulatory, legal or commercial standpoint.
- Financial Services**
With expertise in asset management, banking, FinTech, market infrastructure and service provision, we offer solutions to global investment and commercial banks, institutional asset managers, hedge funds and non-bank lenders.
- Energy & Natural Resources**
We work with clients across the energy and natural resources spectrum, with a particular focus on power, renewables and the energy transition.
- Life Sciences**
We advise clients throughout the life sciences industry on a range of matters as this sector grows and evolves to meet the changing medical and healthcare needs of global society.

*Intellectual Property and Technology, Protection and Enforcement **Personal Injury & Medical Negligence ***Employment, Pensions, Immigration and Compliance

Brussels office
L'Arsenal, Boulevard Schmidt 29, B-1040 Brussels, Belgium
Tel +32 2 742 70 00
Fax +32 2 742 71 00
Follow us on [Linked](#) [in](#)