

ADVANT

Your ESG advantage

ADVANT Altana | Beiten | Nctm

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OUR ESG PRACTICE

ESG (Environment, Social, and Governance) is a complex and fast-evolving area, with significant business, economic and legal implications for almost every organization in nearly every sector. We work with clients to navigate this ever-changing terrain, advising them on all legal facets of ESG and sustainability.

Whether helping to identify risks and opportunities, or ensuring robust and on-going compliance, we provide pragmatic and tailor-made advice on even the most complex of challenges related to ESG. Our ESG Working Group also draws on the broad interdisciplinary expertise of lawyers, certified public accountants and the holder of a MBA in Sustainability Management. Key areas of expertise include:

- Legal Risk Management and Strategy
- Supply Chain Due Diligence
- Sustainable Corporate Governance
- Compliance and Corporate Defence
- ESG Litigation
- Commercial Law
- Sustainability Reporting
- Sustainable Finance
- Mergers and Acquisitions
- Real Estate
- Antitrust and Competition Law
- Energy Policy and Environmental Protection
- Employment and Industrial Relations

Our services in these key areas are described in detail in the pages which follow.



MEMBER FIRM AWARDS AND RECOGNITIONS

Our professionals have been recognized by many leading rankings, awards and publications, both regionally and globally. In addition, ADVANT was named the 'International Firm of the Year' at the 2022 Legal Business Awards, and a finalist for 'Global Network of the Year' at The Lawyer European Awards 2022.

Best Lawyers

Chambers
AND PARTNERS



JUVE



ESG AT ADVANT

The ESG program at **ADVANT** is focused on making progress on our journey toward being a responsible business - striving to make substantive, long-term impact in a number of important areas when it comes to ESG considerations. This includes:

- Effecting a cultural shift across our member firms – through leadership, training, industry and stakeholder engagement, and sharing of best practice and tools
- Helping clients to navigate their ESG journeys – through a dedicated ESG working group, specialist resources and market-leading insights
- Securing sustainable success – through long-term targets, reporting and wider collaborations

Our key areas of focus include:

- Environmental – climate change and carbon emissions, transition to a circular economy, water scarcity, land conservation, energy efficiency
- Social – team well-being, diversity, community engagement, social mobility, charitable contributions and partnerships
- Governance – Sustainable Corporate Governance, policy development, sustainability knowledge sharing, stakeholders' engagement

KEY CONTACTS



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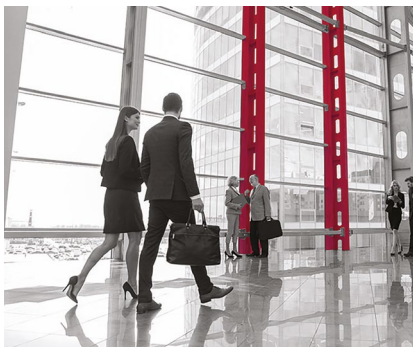
OUR SERVICE OFFERING



Antitrust and Competition Law

While national and EU competition authorities can often view ESG-driven partnerships favorably, such arrangements – in many cases agreements between competitors – risk infringing antitrust law. We advise our clients regarding:

- The structure of such partnerships
- Communication with antitrust authorities
- Compliance of environmental claims and advertising with relevant laws and directives
- Third-party claims or infringement of rights



Commercial Law

We work with clients to ensure their contracts with suppliers and customers reflect ESG concepts while complying with legal requirements, including:

- Drafting of ESG clauses in consumer or commercial agreements, including addressing Minimum Safeguards, DNSH, product carbon footprint, circular economy targets and Net Zero targets
- Designing and reviewing of supplier codes of conduct
- Developing supply chain risk management systems
- Providing training to suppliers and distributors

Compliance and Corporate Defence

We assist in developing and implementing integrated compliance management systems which have ESG considerations at their core, and help clients handle when things go wrong. This can include:

- Internal investigations
- Legal ESG due diligence
- Audit on greenwashing claims
- Response to investigations regarding, and defence of, management or employee conduct by various public authorities
- Safeguard and defend corporate interests in official proceedings



Employment

We advise on the full spectrum of employment and labour law issues which form an important and already long-standing part of the social aspect of ESG, both with regard to clients' operations as well as their supply chain.

Energy Policy

With urgency growing to decarbonize the economy – and the shift towards sustainable energy sources accelerating – our experts advise on:

- Project agreements
- Procurement procedures
- Project financing
- Co-generation and marketing considerations
- Hydrogen and decarbonization projects
- Energy infrastructure projects including energy grid and battery storage
- Major offshore wind projects across Europe and internationally

Environmental Protection

- The landscape for environment protection – and regulation to ensure it – continues to grow more complex, and we help clients to address:
- Environmental permitting and practices
- Remedial of contaminated sites
- Environmental damage compensation
- Circular economy
- Waste management
- Products environmental requirements

ESG, Human Rights, Climate Change and Greenwashing Litigation

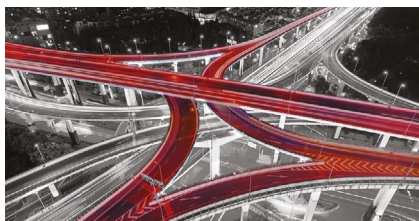
Legal disputes involving sustainability are on the rise, and we support clients on every facet of ESG-related litigation or disputes such as:

- Human rights and environmental law violations
- Responsibility for, and consequences of, climate change
- Sustainability reporting errors
- Insufficient investment advice
- Misleading advertising claims ('greenwashing' and 'greenhushing')
- Directors' breach of duty and liability
- Criminal or administrative proceedings
- Alternative dispute resolution and settlement, including mediation or arbitration

Legal Risk Management and Strategy

We advise clients on the full spectrum of legal implications of ESG and sustainable/net zero transformation, including:

- Legal and transition risk assessments on compliance with changing ESG legislation, implications from climate change litigation, Net Zero commitments, and industrial transformation (especially with reference to the EU Green Deal and domestic mitigation policies)
- Adaptation to evolving climate and environmental-related policy and legislation (e.g. EU ETS, biodiversity, directors' liability, greenwashing,)
- Policy drafting and remediation plan recommendations



Mergers and Acquisitions

With ESG increasingly impacting company value, the implications for M&A transactions are clear. As one of Europe's leading mid-market M&A legal advisors, we advise our clients on all ESG-related aspects of M&A transactions, including:

- ESG legal considerations and due diligence and organizing integrated ESG Due Diligence with third party providers
- Compliance with sustainability laws and company obligations (e.g., employment, corporate governance, compliance, energy and environment, supply chain)
- Integration of ESG aspects in transaction documents (e.g., sale and purchase agreements, shareholders agreements)



Real Estate

The global transformation of the real estate sector to become more sustainable and environmentally friendly is key to ensuring its resilience. We advise on numerous real estate-related aspects, including:

- Green procurement standards
- Energy Performance Building Directive, water waste and reuse, energy efficiency and management, climate adaptation standards, decarbonization objective and related metrics and their implementation in construction, tenancy and management contracts
- Classification of brownfield and greenfield real estate activities under the EU Taxonomy
- Planning regulations and urban regeneration to meet climate mitigation, adaptation, social and biodiversity targets
- Social housing and infrastructure
- Review of contractual arrangements to meet GRESB and SBTi-CRREM

Supply Chain Due Diligence

We help clients to integrate human rights due diligence in their supply chain in their business operations, ensure sustainable corporate governance, ensure reporting and contractual compliance, and establish risk management procedures, particularly regarding:

- The German Act on Due Diligence in the Supply Chain
- Draft EU Corporate Sustainability Due Diligence Directive (CSDDD)
- The ESRS S2 Workers in the Value Chain under the Corporate Sustainability Reporting Directive (CSRD)
- Minimum Safeguards under the EU Taxonomy
- The French Loi de vigilance

Sustainable Corporate Governance

We help our clients establish an effective risk management system to comply with the law and best standards, and advise them on issues such as:

- Establishing benefit corporations and sustainability corporate objectives
- Diligence obligations of directors arising including potential personal liability and duties under the CSDDD and national legislation
- Setting-up and functioning of sustainability committees
- Connection between executive remuneration and sustainability goals
- Codes of conduct and internal policies
- Coordination of corporate governance models among different portfolio companies managed by PE under the Sustainable Finance Disclosure Regulation (SFDR)
- Liaising between investors and corporates on stewardship, engagement, and related confidentiality issues
- Internal ESG training programs



Sustainable Finance

We provide comprehensive advice on all facets of ESG-related finance considerations, including:

- Assistance to investors and issuers on their interactions with the EU Commission
- Advising policymakers on transition, green and sustainable loan standards
- Interpretation of ESAs' and domestic regulations on sustainable finance and the EU Commission's recommendation on transition finance
- Structuring of transition, green and sustainability-linked finance products
- Banking product creation and development of banking products aligned with the EU Taxonomy for Sustainable Activities, and with Net Zero and biodiversity targets
- Drafting banks' engagement policies with their clients
- Assistance in structuring due diligence Q&As for banks and investors
- Development of a web-based transition toolkit in "hard to abate" sectors which allows banks to engage with clients on the finalisation of transition finance products
- Green and sustainability-linked lending transactions and state guarantees on green loans
- Structuring of Art. 8 and Art. 9 funds under the Sustainable Finance Disclosure Regulation (SFDR)
- Defence against or pursuit of claims in terms of capital market, deficient investment advice or 'greenwashing' issues in financial and banking products

Sustainability Reporting

The challenges of sustainability reporting continue to increase, and we support clients in relation to the legal and regulatory aspects related to:

- Reporting under TCFD/ISSB and the Corporate Sustainability Reporting Directive (CSRD)
- Classification of activities under the EU Taxonomy, the Life-Cycle assessment of activities and the DNSH assessment
- Minimum Safeguards due diligence under the EU Taxonomy
- Assessment of communications and information regarding greenwashing and greenhushing
- Review of audit procedures for information to be reported under CSRD or TCFD/ISSB

ABOUT ADVANT

ADVANT is comprised of leading European lawyers, and is uniquely positioned to deliver a distinctive advantage to clients navigating the complex commercial landscape of Continental Europe.

Representing a combined team of nearly 600 professionals, including nearly 140 equity partners, **ADVANT** is comprised of **ADVANT** Altana in France, **ADVANT** Beiten in Germany, and **ADVANT** Nctm in Italy.

With a presence in 15 locations across Europe and beyond, these firms serve their clients, both in Europe and internationally, by providing the highest-quality advice and results – efficiently and cost-effectively through technical excellence, dedication, and true collaboration.

A unique venture in the European legal market, **ADVANT** brings together strong national players to provide clients with the 'best of both worlds': deep local foundations and an international vision and reach.

ADVANT is your European advantage.

AREAS OF EXPERTISE

All of our members are full-service business law firms, offering a complete breadth of capability to meet client needs. We have significant shared strength in a number of key legal areas and industry sectors:

PRACTICE AREAS		SECTORS AREAS	
Antitrust and Competition	Insurance	Art, Luxury and Fashion	Private Clients
Arbitration	Intellectual Property	Energy	Private Equity and Venture Capital
Banking and Finance	IT and Data	Financial Services	Real Estate
Capital Markets	Public Law and Procurement	Industrials	Retail and Leisure
Commercial	Real Estate	Insurance	Shipping
Compliance	Restructuring and Insolvency	Life Sciences and Healthcare	Technology, Media, Entertainment and Communications
Corporate/M&A	Tax	Mobility	
Dispute Resolution	White Collar Crime	Public Sector	
Employment			



ADVANT Altana

Founded in 2009, **ADVANT** Altana is an independent law firm with 85 lawyers, and is one of the leading business law firms in France. It offers top-level expertise on both advisory and litigation matters to clients, often in highly regulated sectors, from its base in Paris.

ADVANT Altana is an active member of numerous influential legal and industry associations around the world, including the International Bar Association (IBA), International Trademark Association (INTA), the American Bar Association (ABA) and INSOL International. In addition, the firm is a founding member of LCLIA, an international alliance dedicated to the construction sector.



ADVANT Beiten

Founded in 1990, **ADVANT** Beiten is an independent law firm with about 240 lawyers, accountants and tax advisors, and is one of the leading commercial law firms in Germany. It advises medium-sized companies, large corporations, banks, foundations and public sector organisations on German and international commercial law from six offices across Germany, as well as Belgium, Russia, and China.

ADVANT Beiten is an active member of numerous influential legal associations around the world, including the Employment Law Alliance (ELA), International Bar Association (IBA), American Bar Association (ABA), International Trademark Association (INTA).





ADVANT Nctm

Founded in 2000, **ADVANT** Nctm is an independent law firm with about 270 lawyers and tax advisors, and is one of the leading commercial law firms in Italy. It advises companies, banks and financial institutions, multi-national corporations and public entities on all areas of business law from its offices in Milan, Rome and Genoa, as well as London and Shanghai.

ADVANT Nctm is an active member of numerous influential legal associations around the world, including the International Bar Association (IBA), International Trademark Association (INTA), the Employment Law Alliance (ELA).



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 **Member firm office locations**



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