

Frankfurt am Main, 12 July 2022

## **GÖRG advises the State Capital Düsseldorf on the reorganisation of the municipal waste management system**

GÖRG Partnerschaft von Rechtsanwälten mbB is advising the State Capital of Düsseldorf in connection with a complex procurement procedure for the reorganisation of the city's waste management and street cleaning services including winter services. In the large-volume procedure, a 51 percent share in a newly founded company for the provision of waste disposal and street cleaning services is put out to tender throughout Europe by way of a so-called competitive dialogue.

Currently, these services are provided with the current cooperation partner within the framework of a public-private partnership established in 1998. The relevant contract expires on 31 December 2024, so that a reorganisation of waste management and city cleaning in Düsseldorf is necessary.

To implement this reorganisation as of 1 January 2025, a new municipal waste management company was founded in which the State Capital Düsseldorf will directly hold 49 percent of the shares in the future. The remaining 51 percent of the company is to be awarded to a company that will emerge as the successful bidder from a Europe-wide tender.

The tender for the sale of the business shares is carried out by means of an M&A transaction in the form of a "share deal". A new institutionalised public-private partnership (IPPP) is to be created. The cooperation will be awarded for a period of 20 years with a one-time five-year extension option on the part of the client. The overarching procedural goal of the State Capital Düsseldorf is to secure a long-term strategic partnership in the area of municipal waste management with a private partner in order to master the challenges of the future, particularly in the areas of digitalisation, emission reduction, noise reduction, green procurement / sustainability / climate protection and Circular Economy Act with regard to a significant increase in recycling rates.

A cross-practice and cross-location GÖRG team led by Frankfurt partners Dr. Heiko Hofmann and Dr. Matthias Menke is providing comprehensive legal advice to the State Capital Düsseldorf on the reorganisation – including strategic advice in particular on public procurement law, corporate law, labour law, antitrust law and tax law. A GÖRG team around the lead partners was also active in the run-up to the tender in negotiating the complex spin-off and sale agreement with the current cooperation partner, which serves as the basis for the competition now taking place.

### **Advisors State Capital Düsseldorf**

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## About GÖRG

GÖRG is one of Germany's leading and independent business law firms.

With more than 300 lawyers and tax advisors in Berlin, Cologne, Frankfurt am Main, Hamburg and Munich, we advise well-known domestic and foreign businesses from all areas of industry, banking, real estate, trade, media and services on all core areas of business law.

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