



**GRATA**  
INTERNATIONAL

Local Knowledge  
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# ТЭЭВЭР

The Transport Department team of GRATA International is comprised of lawyers with unique practical experience in implementing projects in the field of transport in Kazakhstan, Central Asia and the CIS.

Legal support of projects in the field of transport requires a thorough knowledge of legislation and industry features, as well as extensive practical experience. Our clients trust us because we can find practical solutions and always try to be as effective as possible. Another strong point of our team is our presence in almost twenty countries, which allows us to successfully implement complex transborder projects.

For 29 years, we have been assisting airlines, railway companies, logistics companies, airports, carriers, manufacturers of transport equipment and vehicles, investment companies and banks, financial and aviation consultants, mobile service operators and service aggregators in implementing projects in Eurasia. We advise on issues of legislative regulation and structuring of activities, assets acquisition, insurance, construction of infrastructure facilities, financing, mergers and acquisitions, taxation, including international taxation, as well as providing effective representation for clients in commercial disputes.

The high quality of GRATA International's services and our clients' recognition of this is supported by the ratings of respectable international publications such as The Legal 500 and Asialaw Profiles.

What we can offer:

- ▶ Legal structuring of transport projects;
- ▶ Advising in the field of licenses, permits and approvals, and legislative regulation of activities;
- ▶ Drafting of all types of commercial contracts;
- ▶ Advising in the field of tax, environmental, corporate, labour and other law aspects related to operations in the area of transport;
- ▶ Support of projects on acquisition of companies, mergers and acquisitions;
- ▶ Project finance and PPP;
- ▶ Representation of clients in courts;
- ▶ Bankruptcy and restructuring;

Other services.



## Experience

### Azerbaijan

- ▶ Issued legal opinions on aircraft finance transactions under the guarantee of a state-owned company.
- ▶ Prepared aircraft mortgage agreements as in accordance with legislation of the Republic of Azerbaijan.
- ▶ Advised on financing structures of one of the airline companies: checked with the lien registry for any encumbrances over the aircrafts. Advised and represented interests of lessor (pledgee).
- ▶ Represented interests of Rolls-Royce in Azerbaijan in the sale of its Energy Gas Turbine and Compressor business to Siemens.
- ▶ Advised a regional cargo carrier on antitrust matters and obtaining acquisition clearance from state regulators.
- ▶ Advised a global passenger carrier on conducting stimulating lotteries in Azerbaijan.
- ▶ Represented interests of a large Western European concern - a manufacturer of cars on the protection of personal data.
- ▶ Advised a global transport company on the requirement of cash registers in its vehicles.
- ▶ Legal support and representation of an aircraft manufacturer in signing contracts for the operational and financial leasing of aircraft, which also included a pledge relating to aircraft in the Republic of Azerbaijan.
- ▶ Advised and successfully represented interests of a truck distribution company on a pretrial settlement of disputes arising out of a contractor agreement.

## Belarus

- ▶ Representing a prominent German transportation and logistics company acting as the defendant in a dispute with a Belarusian company facing bankruptcy.
- ▶ Representing a national oil trade leader and conducting legal expert examinations on certain aspects of the performance of the oil transportation contract with a foreign company, on the contract violation by the counter party. Advising on the possible options of mitigating damages and representing the company in arbitration proceedings.
- ▶ Representing the Belarusian office of a European company which provides car-rental services worldwide. This included legal support in the dispute on the enforcement of the contract on the re-purchase of the vehicles that were bought for leasing.
- ▶ Representing a Slovakian transportation company in a dispute related to the recovery of debts and penalties under a contract covering the international carriage of goods and forwarding services.
- ▶ Representing a Belarusian transportation company on collecting debts from its German counterparts. This involved cooperation with our German legal partner.
- ▶ Supporting a leading Slovak freight forwarding, logistics and customs services provider on the full process of debt recovery from a Belarusian counterpart starting from negotiations to the enforcement of the court decision.
- ▶ Advising a German logistics company on obtaining the rights for the use and adaptation of corporate software developed by another German company.
- ▶ Preparing an agreement on software development for the automation of logistics processes for a company coordinating the collection and recycling of waste, with the transfer of exclusive software rights. As a result, our client was able to adopt new reforms in all its global offices.
- ▶ Comprehensive legal support for the Belarusian office of a large international logistics company on the issue of the invalidation of a decision by the customs authority to recover customs payments and penalties. This involved the reparation of documents for appeal of this decision in the national court due to the incorrect determination of the value of the goods by the customs authority and other violations during the inspection, as well as appealing the actions of the Belarusian customs authorities according to the procedure established by international acts of the EAEU.

## Georgia

- ▶ Issued legal opinions on aircraft operational leases.
- ▶ Worked on the registration of the mortgages of aircrafts.
- ▶ Reviewed an aircraft operation lease agreement in compliance with the mandatory laws of Georgia.

## Kazakhstan

### Aviation

- ▶ Advising Lufthansa on drafting and negotiating commercial agreements, tax, corporate and other issues, representing

interests in local courts.

- ▶ Advising Air Astana on financing acquisitions of aircraft and aircraft engines, customs and tax regulations and general commercial issues.
- ▶ Advising LOT Polish Airlines on customs and tax regulations in Kazakhstan, cooperating with local partners and state authorities, corporate restructuring, drafting general commercial agreements.
- ▶ Advising Aeroflot in connection with activity in the Republic of Kazakhstan, representing its interests in commercial litigations, drafting commercial agreements, advising on commercial, tax, regulatory and other issues.
- ▶ Advising a leading helicopter services company on corporate restructuring and labour law requirements, representing interests in disputes against state authorities on labour and tax issues.
- ▶ Advising IATA on general regulatory requirements in Kazakhstan and real estate matters, including leases, tax and corporate law issues.
- ▶ Advising Willis Lease on funding for leasing aircraft engines to an airline in Kazakhstan, including advice on financing structures, drafting financing agreements and issuing a legal opinion.
- ▶ Advising a concessionaire of Aktau International Airport on tender documentation drafting, negotiations, concession agreement and EPC contract.
- ▶ Advising a Kazakh transportation company on financing the purchase of aircraft within the Republic of Kazakhstan, including structuring and drafting financing agreements.
- ▶ Other projects
- ▶ Advising Uber in connection with launch of its service in Kazakhstan, including licensing, tax and other issues, drafting commercial agreements, participating in negotiations with state authorities.
- ▶ Advising an international manufacturer of passenger trains on establishing their legal presence in Kazakhstan, customs and tax issues, operations in the territory of a Special Economic Zone and the construction of production facilities.
- ▶ Advising a major international producer of vehicles headquartered in Sweden on financing operations in Kazakhstan and cooperating with local distributors and partners, tax and customs issues.
- ▶ Advising a top-tier transportation company headquartered in France on the construction of a modern turnkey tram-line in Nur-Sultan, including advice on regulations applicable to the “Astana New City” Special Economic Zone.
- ▶ Advising a consortium of international transportation companies in a project for the construction of a light-rail transport line in Almaty, Kazakhstan. The scope of work included PPP structuring, drafting commercial agreements, negotiations with state authorities.
- ▶ Advising an international transport company, headquartered in South Korea, on a project for the construction of a metropolitan subway line in Almaty, including project structuring, drafting commercial agreements and providing tax and commercial law advice.
- ▶ Advising a major railway networks operator, headquartered in Germany, in connection with the signing of a cooperation and development programme agreement with a national operator of railways in Kazakhstan. The scope of work also included advice on commercial, tax and labour laws.
- ▶ Representing the interests of a subsidiary of Kazakhstan’s private railways operator in a dispute, settled on the territory of Russian Federation, in relation to railway carriage leasing.

## Kyrgyzstan

- ▶ Advising the International Finance Corporation in financing the installation and operation of an electronic road tolling system in the Kyrgyz Republic.
- ▶ Advising BPC AG (Switzerland) and its affiliates on the realisation of the second ever PPP project in the Kyrgyz Republic “Electronic ticketing on public transport in Bishkek city”.
- ▶ Advising BPC AG (Switzerland) and its affiliates on the realisation of the second ever PPP project in the Kyrgyz Republic “Electronic ticketing in public transport in Bishkek city”. Advising a major German railway operator on the acquisition of a 100% share of a local logistics company. Representing the interests of one of the leading mobile operators in court on dispute re. the sale of 100% of shares of a local mobile operator (in the course of the special administration procedure).
- ▶ Advising a Dutch company, a multinational developer & creator of navigation technology and consumer electronics, on licensing regulations and cartography.
- ▶ Advising Toyota Motors Kazakhstan on the supply of vehicles into Kyrgyzstan.
- ▶ Advising the Bishkek City Development Agency on all legal matters related to carrying out a feasibility study for the modernisation of the parking system in Bishkek through PPP.

## Moldova

- ▶ Representing the Moldovan Authorities - State Road Administration before the Court of Milano and the Court of Venice, Italy in defending claims deriving from infrastructure development agreements in two arbitrations concerning contractual performance, with claims worth over EUR 15 million.
- ▶ Advising a global leader in Aircraft Investments (BBM) in connection with regulatory issues concerning aircraft leasing agreements concluded with its business partners from Moldova. A leasing agreement was concluded between BBM and a Moldovan airline, in relation to two Aircrafts - Airbus A319-112.
- ▶ Assisting Deutsche Bank in connection with a mortgage over aircrafts and the registration thereof with the Moldovan Aircraft Registry.
- ▶ Assisting a major railway industry producer from Romania in connection with the acquisition of Moldovan Railway State Company with an overall value of EUR 50 million.
- ▶ Advising a Russian-based law firm specialized in maritime law on the prospected procedure for arrest of the Vessel a with a capacity of 6,7 TEUs and deadweight tonnage of 85,80 tons docked in Giurgiulesti harbor.

## Mongolia

- ▶ Advised an international tobacco producer on a dispute relating to the international transport of goods under the cover of TIR Carnet with Mongolian customs authorities.
- ▶ Advised Yandex Russia on obtaining a permit in Mongolia for launching its taxi platform.

## Russia

### Moscow

- ▶ Acting for a US automobile manufacturer on a RUR 3 billion revolving facility to its Russian subsidiary secured with pledges over vehicles and assignment of receivables under sales contracts.
- ▶ Acting for a UK bank in respect of a RUR 2,5 billion issue of LPNs under its debt issuance programme for the purposes of funding a loan to the national oil transportation company.
- ▶ Acting for a UK subsidiary of a Russian state owned bank on a USD 150 million syndicated secured facility to a Russian airline secured with aircraft mortgages and corporate guarantees.
- ▶ Acting for an international financial institution on a EUR 25 million shipping financing facility to finance acquisition of vessels by a Romanian company.
- ▶ Acting for an international financial organisation on restructuring of a USD 100 million facility to a Russian leasing company including due diligence of a new borrower, transfer of the distressed debt and all charged assets (rolling stock) to another Russian leasing company.
- ▶ Acting for a Russian licensed subsidiary of a European bank on restructuring of USD 70 million facilities to a Russian leasing company including transfer of the distressed debt and all charged assets (rolling stock) to another Russian leasing company.
- ▶ Advising offshore leasing companies on lease of aircraft to Russian airlines.
- ▶ Acting for Russian airlines on lease of aircraft from offshore leasing companies.
- ▶ Advising a US leasing company on lease of aircraft to a Russian airline, including lease termination and aircraft repossession.
- ▶ Acting for a major Western aircraft financier on repossession of aircraft from a Russian airline.

### Rostov-on-Don

- ▶ Legal support for the purchase of vessels and sale transactions in Russia and abroad, including in the framework of bankruptcy processes and other methods of enforcement.
- ▶ The protection of shipowners against claims and the illegal actions of customs authorities and border services, bringing these bodies to criminal responsibility.
- ▶ Comprehensive legal support for shipowners and foreign trade participants
- ▶ Representing the interests of a shipowner in administrative proceedings
- ▶ The arrest and release from seizure of a vessel on maritime demand
- ▶ Representation of shipowners' interests in cases of accidents, cargo damage, non-receipt of freight, demurrage.

### Samara

- ▶ The successful representation of a leading commercial company in the field of provision of aeronautical information in

Antitrust Authorities and in Arbitral courts in relation to a plea of the nullity of legal regulations issued by the Volga Territorial Authority in the field of the provision of aeronautical information.

- ▶ Support of a transaction on the acquisition of 500 railway cars from a Russian leasing company for the Ukrainian TAS group.

### Saint Petersburg

- ▶ Legal support of LLC "DEP No 279" - a large company specializing in the construction and repair of roads, during an on-site tax audit.
- ▶ Advising the logistics company "Darex Logistics" LLC on the issue of debt collection from the PepsiCo Ltd group of companies under a contract for the provision of freight forwarding services.
- ▶ The successful resolution of the dispute a client had with an insurance company as a result of a vehicle accident. This included successfully challenging claims and expert opinions.
- ▶ The successful resolution of a dispute relating to debt recovery under an insurance contract in favor of the client LLC "AvtoTranzitRegion".

## Tajikistan

- ▶ Advising Deutsche Bahn on the acquisition of a major logistics company.
- ▶ Advising EBRD on the Bishkek Bus Project (a loan transaction).
- ▶ Advising Ukrainian and Kazakh companies on structuring and obtaining all the necessary approvals, permits, and consents for establishing a transport and logistics hub.

## Uzbekistan

- ▶ Advising a leading Spanish high-speed train manufacturer on the incorporation of a subsidiary in Uzbekistan and providing day-to-day legal assistance.
- ▶ Advising a Polish manufacturer on issues related to the transit of hazardous and poisonous materials through the territory of Uzbekistan.
- ▶ Advising a German automobile manufacturer on customs clearance requirements and procedures for the delivery of SKD-sets into Uzbekistan.
- ▶ Advising a number of Russian, Korean and Chinese construction and service companies on issues relating to importing equipment on a temporary basis by permanent establishments.
- ▶ Advising a Korean electronic goods manufacturer on customs clearance rules and the application of special labelling requirements to certain electronic products imported into Uzbekistan.
- ▶ Advising a number of European, Ukrainian and Russian alcoholic beverages manufacturers on the peculiarities of customs clearance procedures and applicable labelling requirements in relation to imported alcoholic beverages.
- ▶ Advising a German international automobile manufacturer on purchasing an automobile manufacturing plant in Kazakhstan by its Uzbekistani JV.

- ▶ Assisting Minda Automotive Company, an Indian vehicle spare parts manufacturer, on organising an investment project in Navoi Special Industrial and Economic Zone, including establishing a company in the Navoi SIEZ.
- ▶ Assisting GM Uzbekistan LLC JV, an Uzbek vehicle manufacturer, on hiring foreign personnel in Uzbekistan.
- ▶ Assisting General Motors Power train Company, a US car engine manufacturer, on signing an investment agreement with the Government of Uzbekistan and establishing a JV in Tashkent.
- ▶ Carrying out due diligence of a local subsidiary of a Pakistani transportation company for compliance with licensing, corporate, employment and foreign currency regulations.
- ▶ Advising a Korean construction corporation on constructing an international road in Uzbekistan, including contracts, foreign currency regulations and tax matters.
- ▶ Advising a German international transportation company on licensing domestic and international transportation and certain customs activities in Uzbekistan.
- ▶ Advising an EU-based international transportation corporation on its takeover of a UAE-based international transportation company with subsidiaries in Uzbekistan, advising on antimonopoly compliance, the transfer of transportation and customs warehouse licenses.
- ▶ Advising a Polish international transportation company on the transportation of hazardous materials (chemicals) through the territory of Uzbekistan.
- ▶ Advising a US-based private corporation on the transit of military products through the territory of Uzbekistan to the territory of Afghanistan.



## Key contacts



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