



GRATA
INTERNATIONAL

Local Knowledge
for Global Business

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Antitrust and Competition

Antitrust law is one of the core practices of GRATA International. Our lawyers are acknowledged experts in the field of competition law.

Firm's antitrust practice has a unique geographical coverage. GRATA International's offices in 22 countries work closely on cross-border projects providing our clients, international companies, with competition and antitrust law expertise in several countries of a vast region.

We have represented our clients in numerous investigations of antitrust authorities and in litigations on the matters of competition. We have a unique experience of successfully representing the client in the Eurasian Economic Commission's investigation into prohibited subsidy.

GRATA International has obtained dozens of merger clearance for the major international transactions.

We have a significant experience in reviewing commercial contracts and policies for compliance with antitrust legislation. Experience of our lawyers includes many projects which involved drafting and analysing distribution contracts and dealer contracts of world's largest companies.

We take pride in the fact that major transnational corporations choose GRATA International as their permanent legal advisor in representing them on the antitrust matters.

Services:

- ▶ Obtaining merger and concerted actions clearance;
- ▶ Assisting clients during the Antitrust Authority's inspections and investigations, appealing orders of the Antitrust Authority;
- ▶ Advising on the unfair competition, anticompetitive agreements and abuse of dominant position;
- ▶ Representation of business entities in obtaining state aid;
- ▶ Representation in competition-related dispute resolution;
- ▶ Analysing contracts, policies and other documents for compliance with the competition law;
- ▶ Antitrust audit and compliance: inspections of businesses for compliance with competition law, development of internal documents and implementation of internal compliance procedures, training of employees, and etc.;
- ▶ Advising on natural monopolies and tariff regulation;
- ▶ Advising on state procurement;
- ▶ Advising on competition aspects related to product distribution and manufacturing;
- ▶ Advising on the antitrust law matters of the Eurasian Economic Union;
- ▶ Representing our Clients in the matters of violation of the competition rules on cross-border markets reviewed by the Eurasian Economic Commission;
- ▶ Representing our Clients in investigations of the Eurasian Economic Commission on the matters of prohibited subsidies;
- ▶ Seminars and trainings on the matters of antitrust regulation.

Brochure:



Industries

[CONSTRUCTION & INFRASTRUCTURE](#)

[PHARMACEUTICALS & HEALTHCARE](#)

[TECHNOLOGY, MEDIA & TELECOMMUNICATIONS](#)

[TRANSPORT](#)

Recognition

Russia



Pravo 300, 2020, II group

Experience

Armenia

- ▶ Advice to a major German pharmaceutical company on the requirements for the exclusive distribution agreements set under the competition protection legislation of Armenia;
- ▶ Permanent legal support to the Swiss-Armenian pharmaceutical enterprise for the purposes of ensuring compliance with the competition protection legislation of Armenia in the course of the execution of the distribution agreements;
- ▶ Successful representation of a major local confection products seller in the course of administrative proceedings initiated by the Competition Protection Commission of Armenia based on the alleged violation of the competition protection legislation of Armenia;
- ▶ Advice to a global pharmaceutical enterprise in connection with compliance of certain clauses of distribution agreements with the competition protection legislation of Armenia;
- ▶ Permanent legal support and successful representation of the interests of one of the biggest dairy producers in Armenia during the hearings initiated by the Competition Protection Commission of Armenia in relation to the alleged cases of the unfair competition;
- ▶ Advice to a major local enterprise producing bottled water during the administrative proceedings initiated by the

Competition Protection Commission of Armenia in connection with the alleged violations of the competition protection legislation of Armenia;

- ▶ Advice and further successful representation of interests of a major Armenian medical laboratory in the course of the administrative investigation and hearings initiated by the Competition Protection Commission of Armenia in connection with the alleged case of restraint of trade and price fixing;
- ▶ Represented the interests of the Client before Competition Protection Commission by participating in administrative processes and gained a permit for concentration within the shortest terms.

Azerbaijan

- ▶ Advised a UK company (providing recruiting services) on the change of shareholders of its subsidiary in Azerbaijan and antitrust filing requirements, prepared a list of documents required for the transaction and the stages of the transaction, assessed whether the transaction was subject to merger control, obtained a letter of consent from the antitrust authority for the implementation of the proposed transaction and registered shareholder change in the state register after the transaction closing, represented the interests of the client before the relevant state bodies and notaries of the Republic of Azerbaijan;
- ▶ Prepared a legal memorandum for a French-based utility company in relation to merger control filings, share sale-purchase transactions and foreign-to-foreign transactions; assisted in filing an application with the antitrust authority and getting a consent for the contemplated M&A transaction;
- ▶ Acted as a local legal counsel in cross border merger project and successfully represented the Globalink company before the antitrust authority and obtained consent of the latter for the project;
- ▶ Advised a major multinational company in the production of consumer goods on the compliance of activities with antitrust laws, as well as successfully representing its interests before the antitrust authority;
- ▶ Advised a regional cargo carrier on antitrust matters and obtaining an acquisition clearance from state regulators;
- ▶ Advised a world-known FMCG companies as to various aspects of advertising and antitrust issues;
- ▶ Advised a foreign state oil company, one of purchasers of shares in a PSA project, on antimonopoly and antitrust regulations of Azerbaijan.

Belarus

- ▶ Representing the leading Belarusian manufacturer of devices for metering and control of thermal energy and flow measurement of liquids in antitrust authorities on the issues of trademark protection and know-how in unfair competition;
- ▶ Legal Protection of the Polish manufacturer of building materials in a dispute with the antitrust authority on the improper use by the client of discounted energy tariffs. The amount of the dispute is about USD 1 mln;
- ▶ Representing developer and manufacturer of equipment and solutions for professional mobile radio communications in the process of appealing the results of tenders at the Ministry of Antitrust Regulation and Trade of Belarus (MART of Belarus). We have succeeded in canceling the state procurement procedure financed by the budget, due to its

inconsistency with the competition law;

- ▶ Organization of obtaining the merger clearance for the reorganization through merger, with the redistribution of shares in the authorized capital of the company, which is a large wholesale supplier of petroleum products;
- ▶ Legal Support for obtaining the merger clearance for a foreign investor to complete the purchase and sale of shares in the authorized capital of a large real estate development company – developer of a prestigious residential area in Minsk;
- ▶ Representing a Polish company in the acquisition of a majority stake in a Belarusian company children's clothing retailer, including obtaining merger clearance for the transaction, transaction structuring, etc.;
- ▶ Advising a large construction company in the energy industry on the creation / incorporation into a holding and on preparation of by-laws of the holding (Regulations on the holding, on the Holding Council, on the creation of a centralized fund of the holding company and the use of its funds by the participants of the holding company);
- ▶ Advising a large pharmaceutical company on the need to obtain the merger clearance when conducting an M&A transaction;
- ▶ Preparing a position and necessary documentation, assisting the Client – a large enterprise engaged in processing of raw materials of animal origin – during the investigation of the antitrust authority as to whether the Client has a dominant position in the market;
- ▶ Obtaining merger clearance for the Client – a large supplier of welding equipment – to include representatives of the top management in the participants;
- ▶ Assessing the risks of antitrust law violations in the M&A transaction in which a target company acted as a buyer;
- ▶ Obtaining merger clearance to attract an investor (owner of a chain of medical centers) into a large medical device manufacturer with a balance value of over USD 10 mln. The total investment in the transaction was over USD 1,8 mln;
- ▶ Preparation of documents and explanations for submission to the antitrust authority during investigation regarding violation of the legislation on state procurements conducted against the Client, one of the suppliers of sports equipment, advising the Client in the process.

China

- ▶ Obtained the consent on economic concentration of the Anti-trust Authority of the Republic of Kazakhstan for the company within the China Power International Holding Limited in the acquisition of shares concerning the Shokpar 100 MW wind power project;
- ▶ Advising a Chinese company on the matters of antitrust law of the Republic of Kazakhstan on the acquisition of the participatory interests in the potential Kimpersay Energy 300 MW wind farm project;
- ▶ Advising a Chinese oil and gas company (UBO) on the intra-company transaction and antitrust issues of the Republic of Kazakhstan in relation to the acquisition of the company registered in the Cayman Islands by the UAE company;
- ▶ Antitrust clearance for the Chinese oil company registered in the UAE of the transaction under accession agreement to the foundation agreement of the Kazakhstani oil and gas company;
- ▶ Obtained the anti-monopoly approval of the Antitrust Authority of the Republic of Kazakhstan for the company within the China Power International Holding Limited for the acquisition of shares of the Dutch Company in relation to the

100 MW wind power project.

Georgia

- ▶ Working as local expert of Detecom GmbH on drafting of competition regulation in Communication sector (World Bank project);
- ▶ Representing large black sea port terminal operator in against allegations of abuse of dominant power;
- ▶ Providing expert advice on BIT dispute for international arbitral tribunal originated from domestic litigation on competition dispute.

Kazakhstan

- ▶ Permanent legal advisor to one of the major automobile manufacturers on the matters of antitrust regulation in Kazakhstan;
- ▶ Permanent legal advisor to one of the major payment systems on the matters of antitrust regulation in Kazakhstan;
- ▶ Representation of one of the major electronics manufacturers in the Antitrust Authority's investigation in the matters of unfair competition;
- ▶ Represented a major steel producing company in Kazakhstan in the Eurasian Economic Commission's investigation in the case of prohibited subsidies (a potential fine was USD 800 mln);
- ▶ Represented one of the major Kazakhstani broadcasting companies in the Antitrust Authority's investigation in the case of abuse of dominant position;
- ▶ Obtained the Antitrust Authority's merger clearance for Total SA in acquisition of Maersk Oil (the deal was valued at USD 7.45 bln);
- ▶ Obtained the Kazakhstani Antitrust Authority's merger clearance for the Sberbank group in acquisition of Intercomp JSC (the deal was valued at USD 1.3 bln);
- ▶ Obtained the Kazakhstani Antitrust Authority's merger clearance for one of the major Russian railway companies in acquisition of the controlling stake in the major Russian container operator (the deal was values at RUB 60.3 bln);
- ▶ Advised CITIC Bank Corporation Limited on the antitrust matters in acquisition of Altyn Bank JSC;
- ▶ Advised Ericson on the matters of the Kazakhstan competition law;
- ▶ Advised one of the major pharmaceutical companies in the world on the matters of the Kazakhstan competition law;
- ▶ Analysed a distribution contract of one of the major energy drink companies in the world for compliance with the Kazakhstan competition law;
- ▶ Analysed a distribution contract of one of the major Fast-Moving Consumer Goods companies in the world for compliance with the Kazakhstan competition law;
- ▶ Analysed a distribution contract of one of the major manufacturers of pneumatic air tools and monitoring systems for compliance with the Kazakhstan competition law.

Kyrgyzstan

- ▶ Representation of a Spanish quick-commerce start-up in the Antitrust Authority's investigation in the matters of unfair competition;
- ▶ Advising a German law firm on merger control questions and fines for failure to file;
- ▶ Advising a Russian company on the transfer of a 30% stake in a natural monopoly entity in the Kyrgyz Republic;
- ▶ Consulting one of the Russian offices of 2GIS on the issues of advertising electronic cigarettes, smoking mixtures for vapes and cryptocurrencies on the Internet and contextual advertising (pop-up ads) in mobile applications. The work also involved contacting the antimonopoly committee on issues not regulated by law;
- ▶ Consulting and protection of the rights and interests of "RG Brands Kyrgyzstan" in the process of resolving the issue of distribution of inappropriate advertising;
- ▶ Advising Arzinger Ukraine on Kyrgyz antitrust legislation requirements pertaining to perfume and cosmetics labeling;
- ▶ Advising a major German railway operator on acquisition of 100% shares of the local logistics company and antitrust regulation;
- ▶ Advising a major German healthcare company on antitrust regulation and reviewing supply agreement and distribution agreement with a local companies.

Moldova

- ▶ Representing the Moldovan subsidiary of one of the largest pharmaceutical companies in the world in relation to a landmark competition case in Moldova concerning the first antitrust investigation dealing with an alleged abuse of dominance in the pharmaceutical industry following the complaint filed by a competitor;
- ▶ Advising the largest local TV company in Moldova in connection with the antitrust investigation launched by the national competition authority regarding the abuse of dominance carried out by the operator of the main cable network in Moldova in refusing to rebroadcast a must-carry TV channel operated by the group and in connection with the court challenge of an authority decision addressed to the sector authority recommending a change in legislation pertaining to the status of must-carry TV channels;
- ▶ Advising a leading German dialysis machines producer in connection with a significant number of competition law-related matters with a premier focus on the competition aspects entailed by its distribution relationships, such as special offers, discounts, exclusivities, selective distribution agreements, participation in tenders, and to the setting up of an emergency distribution system related to one of its products, in such a manner as to comply with the competition law requirements;
- ▶ Advising a European leasing company, part of an international integrated banc assurance group, in respect of a recent complaint filed by a competitor with the national competition authority, alleging an abuse of dominance in respect of the Client's market behaviour;
- ▶ Advising an Private Equity Firm - Investor in the Republic of Moldova, on a wide array of competition matters (merger control and State aid included) arisen in the context of the fund's invested in Moldova, among others, in the health sector, with a total value of more than EUR 20 mln.

Mongolia

- ▶ Analyzed an Importer Agreement (Distribution Contract);
- ▶ Advised on customer rights under regulation in Mongolia;
- ▶ Advised on labeling requirements of cosmetic products;
- ▶ Advised on labeling requirements on tobacco products;
- ▶ Advised on prevention of monopoly and dominating position in the market.

Russia

Moscow:

- ▶ Advising a Turkish beverage company on the formation of a strategic alliance in Turkey, Russia, the CIS, Central Asia and the Middle East;
- ▶ Advising Saint-Gobain on regulatory and merger control matters in connection with M&A transactions in Russia;
- ▶ Advising an international oil producer on acquisition of 100% shares of a Russian company holding subsoil licenses;
- ▶ Advising a major Russian gold mining holding on Russian regulatory and merger control matters related to its acquisition of Russian gold mining businesses;
- ▶ Advising a global producer of medical equipment on Russian competition law matters in relation to distribution, distribution structuring and other commercial arrangements, including compliance review of agreements, representing the company in an investigation of the antimonopoly authority;
- ▶ Advising a large retailer on merger control matters in a number of major M&A transactions, clearance with the antimonopoly authority;
- ▶ Representing clients (in the life sciences and FMCG sectors) before antimonopoly authority in proceedings on the alleged violations of competition law, investigations by the antimonopoly authority and administrative cases;
- ▶ Advising on Russian strategic investment law and foreign investment law matters in multiple major cross-border transactions (including in relation to Russian strategic subsoil users as well as other strategic businesses), obtaining prior approvals of the RF Government Commission;
- ▶ Advising major automotive manufacturers and banks in relation to joint marketing arrangements;
- ▶ Assisting a major automotive manufacturer with the preparation of the company's compliance code;
- ▶ Advising on competition compliance matters and performing compliance audits;
- ▶ Advising a major Russian construction company on public procurement matters and tender requirements, review of public contracts;
- ▶ Advising international companies on regulatory and competition law matters in connection with the sale and/or restructuring of their Russian businesses, obtaining regulatory clearances.

Samara:

- ▶ Assisting of the client (major group of suppliers of medical devices and equipment) initiated by the FAS of Russia on case on violation of the Antimonopoly law, expressed in the creation of a cartel to maintain prices at the state and municipal trading and coordination activities of participants of the procurement for 4 years, as well as the preliminary investigation indicated the client's actions on the grounds of a crime under article 178 of the criminal code – the restriction of competition. Over four years, the group's companies have signed more than 350 state contracts totaling about RUB 1.6 bln. As a result, criminal prosecution was not initiated, and the amount of illegal income of the group imputed to FAS Russia was significantly reduced;
- ▶ Representation in the commercial court of cassation of the Russian Federation of the interests of a client in respect of which the FAS of Russia has issued a decision on collusion with a state customer when purchasing construction work in order to create preferential conditions for him to participate in the auction, in a case challenging the said decision of the FAS of Russia. According to the position of the FAS of Russia as a result of an anti competitive agreement the client could get an advantage in bidding with a price of more than RUB 117 mln. The cassation instance of the commercial court of the lower courts, which recognized the decision of the FAS of Russia as lawful, was canceled, and the case was sent for a new trial.

Saint Petersburg:

- ▶ Assisted a major Russian medical equipment supplier in supporting an audit by the Russian Federal Antimonopoly Service of compliance with Article 11 of the Russian Federal Law "On Protection of Competition". Following the inspection, the Russian FAS found no evidence of cartel collusion;
- ▶ Represented a manufacturer of professional lifting equipment before the Russian Federal Antimonopoly Service and courts in connection with unlawful use of the Client's trademark by a competitor;
- ▶ Representing a major food products manufacturer in an arbitration dispute with the St Petersburg FAS (Federal Antimonopoly Service): contesting the Service's decision to recognise the Client as a participant in a cartel agreement to divide the market for food products in one of St Petersburg's districts. The achieved result has determined the direction in shaping court practice in matters of participation and proving participation in cartel agreements, as well as helped to establish a number of basic principles of antitrust law related to cartel agreements;
- ▶ Assisted a Russian manufacturer of professional 3D scanners and printers in developing tactics for challenging a procurement procedure for supplying 3D printers to educational institutions in Russia, where the procurement documentation was drawn up for a sole European manufacturer;
- ▶ Assisted a major Russian medical equipment supplier in resolving a situation where a state contract for supply of medical equipment could not be fulfilled due to force majeure circumstances;
- ▶ Represented a Client (a subsidiary of a major Russian supplier of complex medical equipment) in a complaint filed with the St Petersburg Federal Antimonopoly Service challenging the Company's inclusion on the register of unscrupulous suppliers for evading the conclusion of a public contract;
- ▶ Successfully represented the Client, VPO REGION LLC, in connection with the preparation and consideration by the Federal Antimonopoly Service of a complaint regarding the actions of a bankruptcy trustee in conducting tenders in an insolvency (bankruptcy) case against a debtor. Client's complaint against the bankruptcy trustee was recognised by

the FMA as justified.

Tajikistan

- ▶ Advising Telia Company on obtaining an antitrust clearance in connection with sale of its business in Tajikistan;
- ▶ Advising Kazakhstani “Halyk Bank” on the acquisition of a 100% stake in Kazkommertsbank Kazakhstan JSC and clearance of the acquisition with the regulator;
- ▶ Advising the logistic company Globalink DWC (Dubai) on disposal of a 51% stake and obtaining a prior consent of the Antimonopoly Service of Tajikistan;
- ▶ Advising Vostok Media Exchange Ltd on the acquisition of a 56% stake in the LLC Kashfiyot Takhilil Mashvarat and advising on antimonopoly aspects of the deal;
- ▶ Advising Singapore company BOPA Pte Ltd on the acquisition of a 20% interest in the capital of Matin Microcredit Deposit Organization LLC and on antimonopoly aspects of the deal;
- ▶ Advising CNPC Exploration and Development Company Limited on antimonopoly aspects of disposal of 40% of shares in the capital of a Tajik company;
- ▶ Advising LOLC Holdings PLC on the regulation of microfinance organizations in Tajikistan and legal support in the acquisition of a Tajik microfinance organization FAZO S;
- ▶ Advising LOLC Holdings PLC on the regulation of pawnshops in Tajikistan and legal support in the acquisition of two local pawnshops;
- ▶ Advising CNPC on the applicability of Tajikistan's antitrust laws in relation to internal restructuring, in particular, whether it is required to obtain prior consent, or notification is sufficient.

Turkmenistan

- ▶ Advising a multinational oil and gas company on antitrust risks of channel partner agreement within the antitrust legislation of Turkmenistan.

Ukraine

- ▶ Obtaining antimonopoly clearance for acquisition of shares in a paper production company.
- ▶ Obtaining antimonopoly clearance for acquisition of four industrial companies in Ukraine.
- ▶ Obtaining permit for concerted actions related to omission of competition on the relevant market.
- ▶ Holding training sessions for top-management on protection of economic competition and developing relevant compliance programs.
- ▶ Obtaining preliminary decision of Antimonopoly Committee of Ukraine (“AMCU”) on ban of products sale and compulsion to subtract the goods from circulation due to violation of antitrust regulations.
- ▶ Consulting on issues related to competition law, obtaining recommendations of AMCU on information, which shall be placed on the front of hotels.

- ▶ Consulting on antitrust law, obtaining recommendations of AMCU related to the commercial name of the pharmacy network.
- ▶ Consulting on antitrust regulations, obtaining recommendations of AMCU on proper packaging and information on ingredients.
- ▶ Challenging discriminatory tender documentation of state enterprise within the state procurement procedure.
- ▶ Consulting on compliance of tender documentation with effective legislation.
- ▶ Challenging a competitor's tender offer within the state procurement procedure.

Uzbekistan

- ▶ Advising a multinational energy company on competition law matters in the Republic of Uzbekistan;
- ▶ Drafting a distribution agreement for an American textile company;
- ▶ Advising a Ukrainian consumer goods producer company on the protection of intellectual property rights and measures to combat unfair competition;
- ▶ Advising a Russian multinational IT company on the matters of discriminatory measures applied in its relation and measures to prevent competition restrictions;
- ▶ Advising a British tobacco company on advertising, distribution network development and antitrust laws of the Republic of Uzbekistan;
- ▶ Advising an American pharmaceutical company on the distribution of prescription drugs and their advertising;
- ▶ Advising an American multinational company, one of the leaders in the global consumer goods market, on compliance with advertising and antitrust laws;
- ▶ Drafting a complaint for a supervisory review for a local distributor of alcohol products to protect the right to sell goods;
- ▶ Advising a German manufacturer of construction materials and supporting the process of combating unfair competition;
- ▶ Advising a large German business advisory and consultancy company on compliance with local anti-monopoly rules in relation to the proposed purchase of 100 % shares in a local business consultancy company;
- ▶ Advising and providing practical assistance to an Indian automobile spare parts manufacturer in respect of the sale of its 100% owned Uzbekistani subsidiary to a foreign buyer and carrying out anti-monopoly clearance;
- ▶ Assisting a Russian oil and gas company in obtaining approval from the Antimonopoly Committee of the Republic of Uzbekistan for the transaction on the acquisition of shares in the charter capital of a legal entity incorporated in Uzbekistan.

Key contacts



Issam Dahman

Managing Partner

- 📍 Dubai, UAE
- ☎ +971 56 656 4745
- ✉ idahman@gratanet.com



Ikbal Said Alauddin

Managing Partner

- 📍 Ashgabat, Turkmenistan
- ☎ + 993 6105 0586
- ✉ isaidalauddin@gratanet.com



Nasos a. Kyriakides

Managing Partner of Nasos A.
Kyriakides & Partners LLC

- 📍 Limassol, Cyprus
- ☎ +357 25 35 2352
- ☎ +357 99 46 8169
- ✉ nkyriakides@gratanet.com



Nune Hayrapetyan

Partner, Attorney at Law

- 📍 Yerevan, Armenia
- ☎ +374 9460 0210
- ✉ nhayrapetyan@gratanet.com



Mykola Aleksyuk

Partner

- 📍 Kyiv, Ukraine
- ☎ +38 050 932 62 19
- ✉ maleksiuk@gratanet.com



Anora Turakhujaeva

Counsel

- 📍 Tashkent, Uzbekistan
- ☎ +9 (9871) 230-2422
- ✉ aturakhujaeva@gratanet.com



Elena Kurchuk

Counsel

- 📍 Moscow, Russia
- ☎ +7 916 453 5173
- ✉ ekurchuk@gratanet.com



Gökmen Başpınar

Senior Partner

- 📍 Istanbul, Turkey
- ☎ +90 (212) 465 66 99
- ☎ +90 (532) 511 70 00
- ✉ gokmen.baspinar@gratanet.com



Alena Ivanova

Partner, Advocate

- 📍 Saint Petersburg, Russia
- ☎ +7 812 384 4838
- ✉ Alvanova@gratanet.com



Igor Lukin




Partner, Head of Corporate and
Competition, Co-head of Labour

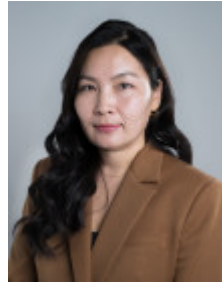
- 📍 Almaty, Kazakhstan
- ☎ +7707 714 8886
- ✉ ilukin@gratanet.com



Ainura Takeyeva





Counsel

-  Aktau, Kazakhstan
-  +7701555 8761
-  atakeyeva@gratanet.com



Bolormaa Volodya




Partner

-  Ulaanbaatar, Mongolia
-  +976 990 850 31
-  +976 701 550 31
-  bvolodya@gratanet.com



Dmitry Viltovsky




Managing Partner

-  Minsk, Belarus
-  +375 29 331 1411
-  dviltovsky@gratanet.com



Igor Stepanov




Managing Partner, Attorney at law

-  Rostov-on-Don, Russia
-  +7 928 229 9596
-  istepanov@gratanet.com



Dmitry Samigullin




Managing Partner

-  Samara, Russia
-  +7 927 692 0522
-  dsamigullin@gratanet.com



Madina Sagatova

Partner

-  Atyrau, Kazakhstan
-  +7 701 789 1669
-  msagatova@gratanet.com



Igor Popa

Senior Partner, Representative of GI
in Europe

-  Chisinau, Moldova
-  Frankfurt on Main, Germany
-  +49 151 61106970
-  ipopa@gratanet.com



Bahodur Nurov


Senior Associate

-  Dushanbe, Tajikistan
-  +992 91979 2323
-  bnurov@gratanet.com



Gulnur Nurkeyeva

Managing Partner

-  Beijing, China
-  +86 10 85 098 768
-  +86 188 11 037 374
-  gn@gratanet.com



Elvira Maratova

Partner

-  Bishkek, Kyrgyzstan
-  +996 312 31 4050
-  +996 770 01 7171
-  emaratova@gratanet.com



Irakli Kordzakhia

Managing Partner

 Tbilisi, Georgia

 +995 32 292 18 78

 Irakli.Kordzakhia@gratanet.com



Ummi Jalilova

Managing Partner, Director of Baku office

 Baku, Azerbaijan

 +994 51 855 5145

 ujalilova@gratanet.com



Maxim Burak

Partner, Head of Subsoil Use Department (Astana)

 Astana, Kazakhstan

 +7701786 2606

 +77172 919 555

 mburak@gratanet.com

International team



Issam Dahman

Managing Partner

 Dubai, UAE

 +971 56 656 4745

 idahman@gratanet.com



Ikbal Said Alauddin

Managing Partner

 Ashgabat, Turkmenistan

 + 993 6105 0586


 isaidalauddin@gratanet.com




Nasos a. Kyriakides

Managing Partner of Nasos A. Kyriakides & Partners LLC

 Limassol, Cyprus

 +357 25 35 2352

 +357 99 46 8169

 nkyriakides@gratanet.com




Polina Sachava

Associate

 Minsk, Belarus

 +375 293 73 55 00

 psachava@gratanet.com



Nune Hayrapetyan

Partner, Attorney at Law

 Yerevan, Armenia

 +374 9460 0210

 nhayrapetyan@gratanet.com



Akzhan Sargaskayeva

Counsel, GRATA International China

 Beijing, China




 +7701778 38 74

 akzhan@gratanet.com



Alexander Korsak




Partner

-  Minsk, Belarus
-  +375 293 73 55 00
-  akorsak@gratanet.com



Mykola Aleksiuk




Partner

-  Kyiv, Ukraine
-  +38 050 932 62 19
-  maleksiuk@gratanet.com



Nikolay Volodin


Senior Associate

-  Moscow, Russia
-  +7 916 502 0669
-  nvolodin@gratanet.com



Anora Turakhujaeva




Counsel

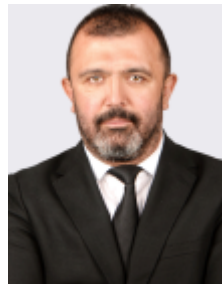
-  Tashkent, Uzbekistan
-  +9 (9871) 230-2422
-  aturakhujaeva@gratanet.com



Elena Kurchuk

Counsel

-  Moscow, Russia
-  +7 916 453 5173
-  ekurchuk@gratanet.com



Gökmen Başpınar




Senior Partner

-  Istanbul, Turkey
-  +90 (212) 465 66 99
-  +90 (532) 511 70 00
-  gokmen.baspinar@gratanet.com



Alena Ivanova

Partner, Advocate

-  Saint Petersburg, Russia
-  +7 812 384 4838
-  Alvanova@gratanet.com



Igor Lukin




Partner, Head of Corporate and Competition, Co-head of Labour

-  Almaty, Kazakhstan
-  +7 707 714 8886
-  ilukin@gratanet.com



Ainura Takeyeva





Counsel

-  Aktau, Kazakhstan
-  +7 701 555 8761
-  atakeyeva@gratanet.com



Nurlan Kyshtobaev

Partner

-  Bishkek, Kyrgyzstan
-  Dushanbe, Tajikistan
-  +996 775 58 0081
-  nkyshtobaev@gratanet.com



Bolormaa Volodya

Partner

- 📍 Ulaanbaatar, Mongolia
- ☎ +976 990 850 31
- ☎ +976 701 550 31
- ✉ bvolodya@gratanet.com



Dmitry Viltovsky

Managing Partner

- 📍 Minsk, Belarus
- ☎ +375 29 331 1411
- ✉ dviltovsky@gratanet.com



Igor Stepanov

Managing Partner, Attorney at law

- 📍 Rostov-on-Don, Russia
- ☎ +7 928 229 9596
- ✉ istepanov@gratanet.com



Atabek Sharipov

Partner, Head of Banking & Finance Practice in Uzbekistan

- 📍 Tashkent, Uzbekistan
- ☎ +9 9871 233 2623
- ☎ +9 9890 370 1847
- ✉ asharipov@gratanet.com



Dmitry Samigullin

Managing Partner

- 📍 Samara, Russia
- ☎ +7 927 692 0522
- ✉ dsamigullin@gratanet.com



Madina Sagatova

Partner

- 📍 Atyrau, Kazakhstan
- ☎ +7 701 789 1669
- ✉ msagatova@gratanet.com



Igor Popa

Senior Partner, Representative of GI in Europe

- 📍 Chisinau, Moldova
- 📍 Frankfurt on Main, Germany
- ☎ +49 151 61106970
- ✉ ipopa@gratanet.com



Bahodur Nurov

Senior Associate

- 📍 Dushanbe, Tajikistan
- ☎ +992 91979 2323
- ✉ bnurov@gratanet.com



Gulnur Nurkeyeva

Managing Partner

- 📍 Beijing, China
- ☎ +86 10 85 098 768
- ☎ +86 188 11 037 374
- ✉ gn@gratanet.com



Elvira Maratova

Partner

- 📍 Bishkek, Kyrgyzstan
- ☎ +996 312 314050
- ☎ +996 770 017171
- ✉ emaratova@gratanet.com



Irakli Kordzakhia

Managing Partner

 Tbilisi, Georgia

 +995 32 292 18 78


 Irakli.Kordzakhia@gratanet.com



Vladimir Komarov

Managing Partner, Advocate

 Saint Petersburg, Russia

 +7 812 384 4838

 vkomarov@gratanet.com




Ummi Jalilova

Managing Partner, Director of Baku office

 Baku, Azerbaijan


 +994 51 855 5145

 ujalilova@gratanet.com



Maxim Burak

Partner, Head of Subsoil Use Department (Astana)

 Astana, Kazakhstan

 +7 701 786 2606

 +7 7172 919 555

 mburak@gratanet.com