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Local Knowledge
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Licenses and Permits

In any country, certain activities can only be performed under a permit (a license) or upon sending a notification on commencement of certain type activities to a competent state authority.

Legislation often provides for the most stringent requirements and liability for enterprises, which activities pose the most significant risks to the rights and legitimate interests of other parties. In Kazakhstan, for instance, activities associated with a high level of danger require a license that is considered as the first category permit. The absence of a license entails the most stringent penalties, including fines and confiscation of proceeds received during the absence of the license, as well as objects and(or) instruments of wrongdoing (i.e. machinery and equipment). Activities associated with an average level of danger require the second category permit. A notification procedure applies to activities or operations associated with a low danger level. Operating without the said permit or notification may also entail quite serious implications (penalties).

Therefore, before starting a business make sure you are aware of what permits and notifications are required to carry out the planned activities.

The legislation on permits and notifications can apply in many other cases such as reorganisation of legal entities engaged in activities that require permits (notifications), or disposal by a legal entity of its property used for activities that require permits (notifications). In such cases, a rational action plan based on a thorough analysis of the legislation and the company case is required.

GRATA International offers the following services:

- ▶ Supporting the procedure for obtaining permits/sending notifications to state authorities;
- ▶ Advising on issues related to obtaining permits and sending notifications to state authorities;
- ▶ Drafting contracts for activities that require permit/notification to state authority;
- ▶ Due diligence of companies for the compliance of activities with the legislation on permits and notifications;
- ▶ Advising on issues related to prohibitions and restrictions under the legislation of the Eurasian Economic Union (EAEU);
- ▶ Assessing the chances for settlement of disputes with state authorities on permits/notifications related issues;
- ▶ Representing companies in the course of settlement of disputes with state authorities on permits/notifications related issues.

References

- ▶ [China Machinery Engineering Corporation](#)
- ▶ [Maersk Sealand & August](#)
- ▶ [Lufthansa](#)
- ▶ [KEC](#)
- ▶ [Oilfield Production Consultants \(OPC\)](#)
- ▶ [KBR](#)
- ▶ [Imtech](#)

- ▶ China State Construction Engineering
- ▶ ENFI (China ENFI Engineering corporation)
- ▶ CMEC

Industries

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Experience

Azerbaijan

- ▶ Advising a large Chinese company on acquisition of a participation interest under the Agreement "On the Exploration, Development and Production Sharing for the Absheron Offshore Block in the Azerbaijan Sector of the Caspian Sea". Advising on licenses/permits, antitrust, SOCAR consent, legal/practical risks, issuing legal memos and preparing draft documents etc.
- ▶ Advising a European oil company on acquisition of a participation interest under the Agreement "On the Exploration, Development and Production Sharing for the block including the Padar Area and the adjacent prospective structures in the Azerbaijan Republic". Conducting due diligence and preparing legal opinion, advising on financing, employment, environment, licenses/permits, antitrust, security, SOCAR consent, legal/practical risks, tax, foreign exchange, drafting documentation, writing formal requests, issuing legal memos and formal legal opinion etc.

Belarus

- ▶ Advising Belarusian and foreign companies on the need to go through the procedures for declaring and certifying goods on the territory of the EAEU.
- ▶ Advising a major distributor of optical equipment for hunting on the need to obtain special permits for the import of optical equipment in the territory of EAEU.
- ▶ Legal support of a large Belarusian pharmacy network on the obtaining of a license for safeguarding activities.
- ▶ Legal support for obtaining of permission to sell shares of a large Belarusian property developer to foreign investors from the antimonopoly authority.
- ▶ Consulting large Belarusian network of pharmacies on the amending the license for pharmaceutical activities.
- ▶ Advising on the obtaining a certificate for the right to carry out activities for the construction of 2-4 complexity classes facilities and legal support of this process in the interests of design and construction organizations.
- ▶ Legal advising and support for obtaining permissions for the design and construction of facilities of various purposes as well as related procedures.
- ▶ Preparation and organization of filing applications for inclusion of information in the Trade Register of the Republic of

Belarus.

- ▶ Advising a client on the need for inclusion information in the Trade Register of the Republic of Belarus, register of household services and legal support in the preparation and filing of necessary documents.
- ▶ Legal support for the receipt and extension of permissions for opening accounts with foreign banks.
- ▶ Legal advising and support for obtaining permits to extend the deadlines for completing foreign trade operations.
- ▶ Advising a major international producer of non-alcoholic beverages on the issue of labeling of beverages with control identification marks for importing to Belarus.
- ▶ Сопровождение получения для латвийского инвестора специальных разрешений на право занятия трудовой деятельностью.
- ▶ Legal support for obtaining special permits for the right to engage in labor activities on behalf of Latvian investor.

Kazakhstan

Permits:

- ▶ consulting a leading foreign company in the sphere of information technologies on requirements for marking of computer equipment provided for by the legislations of the Republic of Kazakhstan and the Customs Union;
- ▶ advising a foreign company on requirements for marking of cosmetic products provided for by the legislation of the Republic of Kazakhstan;
- ▶ advising a large Kazakhstani company on requirements for purchase and realisation of automobile transport in the Republic of Kazakhstan.

Licensing in the Area of Industrial Activity:

- ▶ obtaining a licence on behalf of a contracting company based in Kazakhstan for design of mining, petrochemical, oil and gas production enabling the company to further operate in the area of engineering, procurement and construction within the Caspian region;
- ▶ obtaining a license on behalf of a contracting company based in Kazakhstan and engaged in comprehensive engineering, procurement and construction within the Caspian region for design, manufacture, installation, repair of chemical, drilling, oil-and-gas, exploration, mining, metallurgical, power equipment, flame proof electrical equipment, lifting equipment, as well as boilers with working pressures above 0.7kg/cm² and coolant temperature above 1150C, and vessels and pipelines operating at pressures above 0.7kg/cm²;
- ▶ Due Diligence for a large company on licenses and permits in the area of food industry;
- ▶ advising of a foreign company on the safety requirements to machines and equipment specified by law;
- ▶ advising of a foreign company on licenses and permits in the area of military equipment;
- ▶ development of annual reporting and submission thereof to a licensor in the procedure specified by law;
- ▶ advising on the issues of state control in the area of technical regulation;
- ▶ re-registration of state license for repair of mine equipment due to the changes in legal address and production base of

a large Finnish company;

- ▶ drafting a legal opinion regarding state license on design of mining production, as well as submission of respective inquiries to the Ministry of Industry and New Technologies of the Republic of Kazakhstan;
- ▶ submission of an annual report to the Industry Committee of the Ministry of Industry and New Technologies of the Republic of Kazakhstan for the leading and oldest design institute, which is operating in the area of complex design of mining enterprises using open-cut and underground mining methods;
- ▶ submission of the 2010 annual report to the Atomic Energy Committee for subsidiary company of a large Tunisian company;
- ▶ submission of an annual report to the Committee of State Investigation in Oil and Gas Sector of the Ministry of Oil and Gas of the Republic of Kazakhstan, as well as drafting an application for the renewal of addendum to a license due to the changes in legal address for branch office of a marine drilling contractor, which specialises in rendering services on well construction in the Caspian Sea.

Licensing in the Area of Nuclear Energy:

- ▶ advising a Kazakhstani company on obligatory licensing of carriage of dangerous goods;
- ▶ advising on licenses, approvals and permits of state authorities required for subsoil use operations;
- ▶ assistance in filing a formal request to the Committee of State Energy Supervision of the Ministry of Oil and Gas of the Republic of Kazakhstan regarding licensing of company's activities ;
- ▶ advising foreign companies on licensing of activities in the area of nuclear energy that include construction of nuclear facilities, an entire complex, individual buildings, units, systems, structures, support facilities and equipments;
- ▶ advising foreign companies on licensing of activities in the area of nuclear energy that include special training for staff that relate to the usage of nuclear energy;
- ▶ advising a foreign uranium company on licensing of activities in the area of transportation, import and sale of uranium.

Licensing in the Area of Telecommunications:

- ▶ drafting a memorandum for a foreign company on the conditions of obtaining permits in the area of communication in Kazakhstan;
- ▶ Due Diligence for a large communication company in order to detect violations of the law of RK on the licensing and assess the risks associated with such disorders;
- ▶ advising a major foreign company on the terms of usage of radio frequency spectrum in Kazakhstan;
- ▶ preparation of relevant documentation to obtain a license in the area of informatisation and communication for large foreign and domestic companies;
- ▶ assistance with obtaining telecommunication license for a Kazakh oil company;
- ▶ advising the world's leading IT company on the need to obtain licenses and permits for existing activities in the Republic of Kazakhstan.

Additionally:

- ▶ assistance to a large international law firm in preparation of the structure of the law on the regulatory approval system;
- ▶ advising the world's leading IT company on marking of computer equipment;
- ▶ advising foreign companies on the registration of medical equipment in Kazakhstan;
- ▶ drafting legal opinion for a foreign trade company on import of the company's products to Kazakhstan, as well as the procedures and conditions for certification;
- ▶ advising foreign companies on selection of persons entitled to receive permits to engage foreign labour;
- ▶ advising a Kazakhstani company on licensing of wholesale and retail sale of alcoholic beverages;
- ▶ legal support of a loan agreement between a Kazakhstani company and a large Chinese bank in terms of all permits required by the legislation of Kazakhstan for construction of a gas pipeline;
- ▶ advising a foreign company on legal requirements to purchase and maintenance of track machines;
- ▶ advising oil companies on obtaining a license for activities associated with precursors;
- ▶ review of existing licenses, approvals and permits from public authorities in the area of communications, precursors, safety, sanitary and epidemiological welfare of the population in order to identify the missing permits and assess the relevant risks.
- ▶ Our lawyers have experience in providing consulting services related to the issue, execution and termination of licenses and other permits issued by public authorities. Licensing in the Area of Architecture, Urban Planning and Construction: advising foreign companies on construction permits;
- ▶ preparation of documents required to obtain construction license for a Chinese construction company;
- ▶ drafting legal opinion for a large foreign company seeking construction license for a general contractor;
- ▶ obtaining design and construction license for a large German company;
- ▶ legal support for Turkish company on renewal of a construction license;
- ▶ obtaining construction license for a large Russian joint-stock company;
- ▶ legal support for a Turkish construction company on confirmation of qualification requirements for renewal of a license;
- ▶ renewal of a license for planning and surveying in the area of architecture, urban planning and construction activities;
- ▶ advising foreign companies on licensing of activities in the area of architecture, urban planning and construction, including licensing of engineering and surveying works, construction and bookmark geodesic centres of urban design, architectural design of buildings and structures for the first or second and third levels of responsibility for building design, construction of roads of all categories, assembling explosive fire hazard systems, etc.

Additionally:

- ▶ advising foreign companies on registration of medical equipment in the Republic of Kazakhstan;
- ▶ Due Diligence for a foreign trade company on import of the company's products to Kazakhstan, as well as the procedures and conditions for certification;
- ▶ advising foreign companies on selection of persons entitled to receive permits to engage foreign labour;
- ▶ advising a Kazakhstani company on licensing of wholesale and retail sale of alcoholic beverages;
- ▶ legal support of a loan agreement between a Kazakhstani company and a large Chinese bank in terms of all permits

required by the legislation of Kazakhstan for construction of a gas pipeline;

- ▶ advising oil companies on obtaining a license for activities associated with precursors;
- ▶ review of existing licenses, approvals and permits from public authorities in the area of communications, precursors, safety, sanitary and epidemiological welfare of the population in order to identify the missing permits and assess the relevant risks. Our lawyers have experience in providing consulting services related to the issue, execution and termination of licenses and other permits issued by public authorities.

Ratios of Components in Food Products:

- ▶ advising a large foreign company on the maximum allowable level of certain emulsifiers in the composition of chocolate products;
- ▶ advising a large foreign company on the maximum allowable levels of certain dyes in the chocolate products;
- ▶ advising a large foreign company on the possibility of usage of certain ingredients in the composition in alcoholic beverages.

Additionally:

- ▶ legal Due Diligence on the availability of all permits and other necessary documents related to renewable energy sources of the borrower of a large foreign bank to assess the risks of its solvency;
- ▶ advising on recalling products from Kazakhstani market by a foreign developer of medical devices;
- ▶ advising a large European producer on obtaining a license for the production of alcoholic beverages;
- ▶ advising and preparing opinion on the labelling of goods by identification means in the territory of the EAEU;
- ▶ advising and preparing opinions on issues of turnover of products unfit for use on the market of Kazakhstan;
- ▶ advising the owner of a large online platform for the sale and delivery of food products on licensing activities in the Republic of Kazakhstan;
- ▶ advising foreign pharmaceutical companies on doing business in Kazakhstan and conducting clinical trials;
- ▶ advising foreign companies on the registration and examination of medicines in the Republic of Kazakhstan and the EAEU, as well as on the protection of medicines from counterfeiting and copying;
- ▶ advising an agricultural company on land legislation and supporting transactions on the acquisition of land use rights thereby;
- ▶ advising a large producer of energy drinks on licensing and labelling requirements in the Republic of Kazakhstan;
- ▶ successful defence in court of a large trading company in connection with a fine thereon for violation of phytosanitary requirements.

Kyrgyzstan

- ▶ Advising Fresenius C Deutschland GmbH on first PPP project in the Kyrgyz Republic “Organization and provision of haemodialysis services in Bishkek, Osh and Jalal-Abad” (Public partner – Ministry of Health of the Kyrgyz Republic). Assisting the client on realization of the PPP project, construction of four clinics and provision of haemodialysis

services in the Kyrgyz Republic, including, but not limited: all questions related to realization of the project, labor, customs, licensing, healthcare regulation (ongoing, PPP Agreement was signed on 15 August 2017).

- ▶ Advising major German railway operator on acquisition of 100% shares of the local logistics company. Representing interests of one of the leading mobile operators in court on dispute re. sale of 100% of shares of local mobile operator (in the course of the special administration procedure).
- ▶ Advising Dutch company, a multinational developer & creator of navigation technology and consumer electronics, on licensing regulation and cartography.
- ▶ Advising EBRD in the course of financing Centerra Gold Inc. in the amount of USD150 million in the context of taking security over the assets of subsidiary companies Kumtor Gold Company and Kumtor Operating Company and a thorough legal due diligence on the subsidiaries to confirm necessary operational licensing documents.
- ▶ Advising a group of foreign private investors in connection with acquisition of a stake in the Kyrgyz bank, including full legal due diligence of the target company and obtaining the National Bank’s preliminary consent for the purchase of bank’s shares.
- ▶ Advising an American licensed international money remittance operator on the issues of business conduct, registration of a payment system and reporting requirements of the National Bank of the Kyrgyz Republic.
- ▶ Successful registration of an operator of money-transfer system in the registrar of the National Bank of the Kyrgyz Republic.
- ▶ Advising University of Applied Sciences Zwickau on establishing a partner university in the Kyrgyz Republic. Drafting corporate documents and conducting all necessary activities for state registration of the university in the Kyrgyz Republic.
- ▶ Advising Deutsche Bahn on the whole range of local legal issues and carrying out a due diligence related to acquisition of a Kazakhstan-based logistics company with a network of offices and operations across Central Asia, Caucasus, and Russia.
- ▶ Advising a Russian construction and engineering company on acknowledgement by a Kyrgyz construction regulator of a construction licence obtained in Kazakhstan to avoid a lengthy procedure of obtaining a local licence.

Tajikistan

- ▶ Advising Telia Company on obtaining an antitrust clearance in connection with sale of its business in Tajikistan.

Key contacts



Issam Dahman

Managing Partner

📍 Dubai, UAE

☎ +971 56 656 4745

✉ idahman@gratanet.com



Valeriy Savva

Partner

📍 Kyiv, Ukraine

☎ +38 098 411 6611

✉ vsavva@gratanet.com



Gökmen Başpınar

Senior Partner

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



Oleg Shevtsiv

Partner

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



Liya Akzhanova

Partner, Deputy Head of GRATA in
Astana, Director of regional
development

- 📍 Kokshetau, Kazakhstan
- 📍 Kostanay, Kazakhstan
- 📍 Taldykorgan, Kazakhstan
- 📍 Ust-Kamenogorsk, Kazakhstan
- ☎ +7 701 523 84 68
- ✉ lakzhanova@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



Sofia Roinishvili

Partner

- 📍 Tbilisi, Georgia
- ☎ +995 32 292 1878
- ✉ sofia.roinishvili@gratanet.com



Dimitri Papadopoulos

Executive Director

- 📍 Zurich, Switzerland
- ☎ +41 44 388 5555
- ✉ zurich@gratanet.com



Gulnur Nurkeyeva

Managing Partner

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



Kamoliddin Mukhamedov

Partner

- 📍 Dushanbe, Tajikistan
- ☎ +992 44 620 4163
- ☎ +992 93 555 8450
- ✉ kmukhamedov@gratanet.com



Elvira Maratova

Partner

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



Leila Makhmetova

Partner, Director of Environmental
Law Department

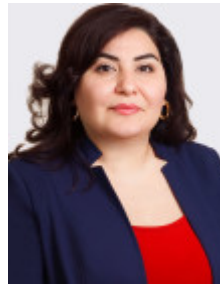
- 📍 Almaty, Kazakhstan
- ☎ +7 775 030 0009
- ☎ +7 701 221 9016
- ✉ lmakhmetova@gratanet.com



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



Bakhodir Jabborov

Managing Partner

- 📍 Tashkent, Uzbekistan
- ☎ +9 (9871) 230 2422
- ☎ +9 (9890) 970 8390
- ✉ bjabborov@gratanet.com
- ✉ tashkent@gratanet.com

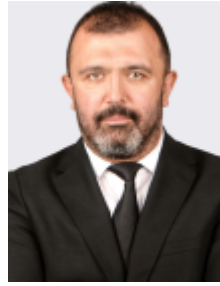
International team



Issam Dahman

Managing Partner

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



Gökmen Başpınar

Senior Partner

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



Liya Akzhanova

Partner, Deputy Head of GRATA in Astana, Director of regional development

- 📍 Kokshetau, Kazakhstan
- 📍 Kostanay, Kazakhstan
- 📍 Taldykorgan, Kazakhstan
- 📍 Ust-Kamenogorsk, Kazakhstan
- ☎ +7 701 523 84 68
- ✉ lakzhanova@gratanet.com



Nurlan Kyshtobaev

Partner

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



Dilorom Yuldasheva

Partner, Head of Corporate Practice

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



Nodir Yuldashev

Partner, Head of Construction and Infrastructure and Tax Practice

- 📍 Tashkent, Uzbekistan
- ☎ +9 (9871) 230 2422
- ✉ nyuldashev@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



Sofia Roinishvili




Partner

-  Tbilisi, Georgia
-  +995 32 292 1878
-  sofia.roinishvili@gratanet.com



Gulim Ratayeva

Representative in Pavlodar

-  Pavlodar, Kazakhstan
-  +7 702 402 3309
-  gratayeva@gratanet.com



Dimitri Papadopoulos

Executive Director

-  Zurich, Switzerland
-  +41 44 388 5555
-  zurich@gratanet.com



Gulnur Nurkeyeva


Managing Partner

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



Kamoliddin Mukhamedov


Partner

-  Dushanbe, Tajikistan
-  +992 44 620 4163
-  +992 93 555 8450
-  kmukhamedov@gratanet.com



Elvira Maratova





Partner

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



Leila Makhmetova



Partner, Director of Environmental
Law Department

-  Almaty, Kazakhstan
-  +7 775 030 0009
-  +7 701 221 9016
-  lmakhmetova@gratanet.com



Maxim Lashkevich




Partner

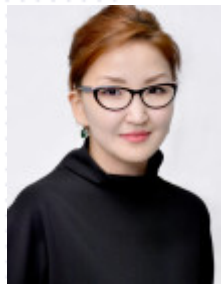
-  Minsk, Belarus
-  +375 29 662 94 66
-  mlashkevich@gratanet.com



Irakli Kordzakhia

Managing Partner

-  Tbilisi, Georgia
-  +995 32 292 18 78
-  Irakli.Kordzakhia@gratanet.com



Zaira Sarsenova




Partner, Atyrau and Aktobe Branch
Director

-  Aktobe, Kazakhstan
-  Atyrau, Kazakhstan
-  +7 701 768 0785
-  +7 7122 501 712
-  zsarsenova@gratanet.com



Ummi Jalilova

Managing Partner, Director of Baku office

-  Baku, Azerbaijan
-  +994 51 855 5145
-  ujalilova@gratanet.com



Bakhodir Jabborov





Managing Partner

-  Tashkent, Uzbekistan
-  +9 (9871) 230 2422
-  +9 (9890) 970 8390
-  bjabborov@gratanet.com
-  tashkent@gratanet.com



Samat Daumov

Partner, Director of GRATA International in Astana

-  Astana, Kazakhstan
-  +7 7172 919 555
-  +7 701 761 0882
-  sdaumov@gratanet.com

