



ALEXANDR CHUMACHENKO Senior Associate

AEQUITAS Law Firm
47 Abai Avenue, Office 2
Almaty 050000, Kazakhstan
T +7 (727) 3 968 968
E A.Chumachenko@aequitas.kz

Practice Areas
[Labor & Employment](#)
[Corporate Law](#)
[Contract Law](#)
[Healthcare](#)
[Pharmaceuticals](#)
[Personal Data](#)

Languages Spoken
English, Russian

Professional Qualifications
Lawyer, Kazakhstan

Mr. Chumachenko's areas of specialization are corporate, labor and contract law, personal data protection, and pharmaceutical legislation. He possesses experience in the sphere of legal regulation of activities of production and trading companies, including legal aspects of production, turnover and advertising of different categories of goods.

He has been with AEQUITAS since 2011, before which he worked for a local law firm.

Mr. Chumachenko is a respondent for the World Bank's Doing Business and the Women, Business and the Law monitoring programs.

Memberships

Kazakhstan Bar Association
Ius Laboris
TerraLex

Experience

2011-present AEQUITAS Law Firm – Senior Associate
2010-2011 RECCON Law Firm – Associate

Education

2007-2010 Caspian University, LLB, Kazakhstan

Awards / Recognition



[Recommended lawyer](#) in Tax and customs (The Legal 500, 2024)

Representative Projects

Labor Law and Personal Data

- Advising a number of major companies on migration law issues and foreign labor engagement procedure in Kazakhstan.
- Advising a major pharmaceutical company regarding procedure for changing management of a local subsidiary company complicated by a conflict with the head whose powers are terminated and his actions, including topical issues of the available HR documentation; preparation to different situation development scenarios and elaboration of recommendations on the most successful methods to protect the interests of the foreign parent company in connection with the necessity to urgently change the management; support of the process of changing the management, including drafting and adaptation of the required documents (corporate, labor, etc.) to the client's needs, negotiations with the former head for and on behalf of the client regarding conditions of termination of labor relations, and negotiations with the new head regarding entering into an employment contract and obtainment of a non-disclosure commitment from him; performance of the notification procedures on the change of the head, including the registrar and the bank.
- Comprehensive legal support in the process of the change of management at subsidiary legal entities and structural subdivisions of major foreign companies in the territory of the Republic of Kazakhstan, including drafting and custom-tailoring to the client's needs the necessary (corporate, labor, etc.) documents; settlement of disputable relationships with former executives; legal support in the temporary appointment to office of the company CEO; and notification of governmental agencies about the change of management.
- Advising a Kazakhstan subsidiary company of one of the largest manufacturers of formwork and scaffolding equipment regarding the procedure for changing the participants and respective re-execution of labor documents with the chief executive officer; comprehensive support of the process of changing the participants and the management, including drafting and adaptation of the required documents (corporate, labor, etc.) to the client's needs, including introduction of corporate restrictions and special corporate approvals into the company charter or an employment contract of the head of subsidiary company to limit the competence of the head of the legal entity; creation of conditions for the "double" signature on any documents of the company ("four-eyes principle") by introducing provisions into the company charter and an employment contract of the head and adoption of other corporate regulatory documents; approval on behalf of the company of conditions of the bonus system and procedure for making incentive payments to the head with the head of the Kazakhstan subsidiary.
- Advising large pharmaceutical companies regarding employment relations regulation in Kazakhstan, including issues of appointment and competence of employee representatives; additional payments to employees residing in environmental disaster areas; hiring of a foreign employee; employment of disabled persons; application to employers of the regional agreements among trade unions, the executive authority and the National Chamber of Entrepreneurs; adaptation of the standard employment contracts and various employer's acts globally used by the corporate clients' subdivisions to meet the local peremptory legislative requirements; and advising on the issues of benefits, bonus plans, employee repatriation, housing, etc.
- Advising a number of companies from different business directions, including major foreign companies in the sphere of IT, pharmaceuticals, and auto business on the issues of the Kazakhstan legal regulation of the personal data protection, drafting and

adaptation of the personal data documents, which every organization in Kazakhstan must have, to the business processes and needs of such companies.

- Advising one of the leading companies on the local pharmaceuticals market and drafting of the required labor documents as part of search for potential options of termination of labor relations with employees in case of necessity of mass staff reduction and job displacement at the Kazakhstan subdivision of the world largest manufacturer of generics in the course of its merger with the largest international pharmaceutical company, including cancellation of employment contracts with postponement of the dismissal date.
- Drafting of employment contracts with special work regime for a foreign executive officer to combine work in two positions for the purposes of complying with the local migration and labor statutory requirements.
- Advising a global creative producing company on legal implications and potential risks arising with respect to labor relations in connection with changes in the composition of participants in its Kazakhstan subsidiary company, restructuring of its management bodies; issues of hiring the managing personnel, including drafting and adaptation of the required documents (corporate, labor, etc.) to the client's needs; holding of negotiations for and on behalf of the client with the head and deputy head regarding the hiring conditions; and drafting of labor documents reflecting a special corporate management structure of the company.
- Elaboration of the options of execution of legal relations between the Kazakhstan and Russian branches of a major oil company on personnel transfer to Kazakhstan possible from the legal point of view and subject to the client's interests under a project involving performance of work by foreign employees alternatively in favor of two employers located in different jurisdictions under the remote or on-site working regime; permanent residence of foreign employees in the Kazakhstan territory when performing the work with periodic business trips to the Russian Federation; and assessment of legal risks arising in case of implementing the above legal relations from the viewpoint of the tax, civil, labor, migration and licensing legislation, and the ways to mitigate such risks.
- Drafting of non-competition agreements in the context of Kazakhstan's supporting the employee loyalty concept and applying the domestic legislative novelty to labor relations with management-level employees in order to protect the interests of employer companies during the effective term of employment contracts and after their termination.
- Advice to service and pharmaceutical companies concerning the transition of employees to remote work, including under the conditions of introducing the state of emergency and self-isolation regime in Kazakhstan due to the general epidemiological situation in the country and in certain regions (specifically, in connection with the COVID-19 pandemic); drafting of the required documents legalizing the transition to remote work.
- Advice to a major pharmaceutical company on the issue of legitimacy of applying the telemetry means by the employer to track location of the company car transferred to an employee for use; elaboration of recommendations on how to mitigate the risks associated with qualification of such employer's actions as the collection of information about the employee's personal life and violation of his/her constitutional right to privacy, and as a method to collect and process the employee's personal data.
- Advice to a service company on a range of labor law issues, including participation of employees' representatives in labor relations, procedure for making withholdings from the employees' salaries in connection with alimony payments subject to the existing

contradictions in the regulatory legal acts of different levels and the current law-application practice; drafting of employment contracts for different categories of employees and analysis of the company's HR documents.

- Advice to a Kazakh LLP within a group of companies holding and managing FMCG logistics and distribution assets on diverse labor matters, including, but not limited to, formation of labor relations with the CEO, HR administration and distribution of order-signing powers between the CEO and company HR service, conditions for terminating labor relations with management-level employees and re-distribution of their official duties, in updating the job descriptions of other employees in view of the contemplated organizational changes and company management structure optimization; structuring relationships with trade union bodies, entrepreneurship bodies and executive authorities in the course of conducting business, including via signing the memorandum of understanding among the Akim's office, the employer and the association of trade unions concerning cooperation to stabilize manufacturing processes and ensure employees' labor rights and employment; legal support in the process of setting up the company's standing body for pre-trial review of individual labor disputes (conciliation commission), including drafting of the documents required for the conciliation commission to be set up and function properly.
- Advice to a foreign service company on labor matters relating to global reorganization of its business affecting subdivisions in Kazakhstan, including legal implications and possible risks arising in connection with the labor relations due to change of the employer company name, reissue of the powers of attorney confirming the employee official powers and amendment of the employees' labor documents, transfer of the employees to another subdivision of the company, coordination of the reorganization process with the trade union organization and other representative bodies of the labor collective.
- Conducting seminars dedicated to the complex issues of legal regulation over labor and labor-related relations in connection with the adoption of the 2015 Labor Code of the Republic of Kazakhstan and the 2017 revisions to the legislation on foreign labor engagement and migration legislation, including: review of the Kazakh labor legislation and the law-application practice (including judicial practice) relevant to problem issues; analysis of client-simulated disputable situations; review of material problems and risks and the methods to resolve the problems associated with the application of the revised Kazakh labor legislation. Advice to Russia's largest oil and gas company on a contemplated business restructuring in three Central Asian jurisdictions, coordinating the project work by AEQUITAS team and the leading law firms from Kyrgyzstan and Tajikistan.
- Advising **Ius Laboris**, an alliance of world's leading HR law firms, on various local law matters, including different aspects of applying flexible work time regime introduced by an electronic payment systems company, taking into account the peculiarities of Kazakhstan legislation; issues of personal data protection in the context of a UK company's joint project with the Ministry of Finance and Ministry of Education to establish in Kazakhstan an educational center for auditor professional skills improvement, and formalization of labor relations with the company representatives; various aspects of labor relations in connection with the appointment of a company employee to the position of a member of the management body in accordance with the Kazakh legislation; issues of office vehicles provision to employees and compensation for costs to employees using personal vehicles for official purposes.

Healthcare, Medicine & Pharmaceuticals

- Advice to major pharmaceutical companies on the issues of pharmaceutical activities regulation in Kazakhstan, including advertising, marking (labeling), certification and

registration of medicines, medical products and medical equipment; permitted methods and scenarios for healthcare and pharmaceutical professionals to participate in the promotional and marketing events; criminal and administrative liability and the current practice of sanctions against statutory violations; and local compliance review of standard operating procedures.

- Advising a large pharmaceutical company on the protection of intellectual property rights (patent rights) to medicines in the Republic of Kazakhstan; integrated analysis of the issues of conducting clinical trials in Kazakhstan with a focus on the specifics of such trials under the national legislation of the Republic of Kazakhstan, supranational legislation of the EAEU and applicable international rules of appropriate pharmaceutical practices, including comparative analysis of clinical trials against observational studies; legal platform for the charitable-and-trial use of medicines intended for the prevention and treatment of the socially significant and orphan diseases; procedure for collecting and exporting genetic samples; procedure for the collection and storage of personal and other data during clinical trials; peculiarities of agreement between the parties to clinical trials (clinical base, investigator, sponsor, subject and customer) existent in practice in Kazakhstan.

Legal Support of Business

- Work on a large pharmaceutical company's current contracts in order to bring them in line with the local legislation and the company's internal policies and procedures; legal support in the process of approval and signing of the contracts and supplementary agreements thereto.

Due Diligence

- Due diligence of a major Kazakh holding company and a number of local companies in connection with the acquisition of indirect control thereover by Russian companies.
- Full and limited due diligence of a number of other Kazakh companies active in the mining and processing sectors in connection with the contemplated acquisition of those companies or their rights by foreign investors.
- Due diligence of a Kazakhstan subdivision of generics manufacturer as part of its merger with a large international pharmaceutical company.
- Advice to a major Russian company on the issues of movable and immovable property transfer in the framework of the company's business restructuring project in Kazakhstan.

Corporate Law

- Advice and client representation on matters involving registration, re-registration and amendment of the foundation documents of local companies and structural subdivisions of foreign companies.
- Advising on various corporate governance issues and amendment of foundation documents in order to improve the governance structure of local subsidiaries and structural subdivisions.

Industry & Trade

- Advice on marking and labeling of food, medical and consumer products of world-famous manufacturers.
- Comprehensive advice to a major foreign company on the issues of statutory regulation of the work of an online store and pick-up points in Kazakhstan, including comparative analysis of potential corporate forms of presence in Kazakhstan; issues of licensing and obtainment of other permitting documents; versions of contractual

structures and electronic document flow; tax structuring of business; review of legislative requirements regarding specifics of circulation of certain types of goods with respect to labeling, stock movement, certain categories of goods (excisable goods, animal products, tobacco products and other), which fall under special requirements applicable to sale, movement, storage, and goods, which are subject to mandatory labeling/traceability; sanitary and epidemiological and fire safety requirements to shopping spaces; analysis of general legislation requirements on consumer protection and trade, including with respect to return of goods, documentation of stock movement, and other aspects of work of an online store; advice on restrictions applicable to the list of goods (including foodstuff) sold remotely using the Internet; issues of formation of labor relations and collection/processing of personal data and their protection in the territory of Kazakhstan.

- Advice on permits, licensing and authorizations required to import data encryption and integrated data processing and transmission equipment into the Republic of Kazakhstan.
- Legal support in a project to set up a footwear manufacturer's business in Kazakhstan, including establishment of its subsidiary, formalization of labor relations with employees, issues of lease relationships with major shopping centers and certain taxation issues.
- Comprehensive legal advice to Russia's largest manufacturer of specialized fats, mayonnaise, vegetable oil and ketchup in a project involving renovation of a foodstuff (vegetable oils) production plant in Almaty, including verification of completeness and relevance of the information on permits and approvals necessary for the plant to amply and legally function, from the standpoint of legislative requirements in the area of environmental and industrial safety, nature management, occupational safety, sanitary-and-epidemiological wellbeing, phytosanitary control, safety, marking, packaging and storage of food products, power saving, fire safety, equipment modernization, transportation, cryptography, and other aspects of production activities.

Publications

- Chumachenko A. Employers 'of record' – Kazakhstan chapter // *Ius Laboris*. – June 2022
- Chumachenko Yu., Chumachenko A. Key ESG questions answered – Kazakhstan chapter // *Ius Laboris*. – April 2022
- Chumachenko A. Global HR Law Guide – Kazakhstan chapter // *Ius Laboris*. – March 2022
- Chumachenko Yu., Chumachenko A., Alexeyev A. Kazakhstan Chapter: Employment 2021 Global Practice Guide // *Chambers and Partners* – September 2021
- Chumachenko A. A employers' guide to redundancy in 7 countries – Kazakhstan chapter // *Ius Laboris*. – July 2021
- Chumachenko A. Redundancy of personnel: local and global– Kazakhstan chapter // *ALRUD Law Firm*. – February 2021
- Chumachenko Yu., Chumachenko A. Global HR Law Guide – Kazakhstan chapter // *Ius Laboris*. – January 2021
- Chumachenko A. Employer Awareness: Key Disabled Employment Obligations // *Petroleum*. – 2020. – № 1.

- Chumachenko A. What to do after a serious work accident: Kazakhstan // Ius Laboris. – January 2020
- Chumachenko A. The challenges of ‘data localisation’ in Kazakhstan // Ius laboris. – September 2017
- Chumachenko A. Rules for employing disabled people in Kazakhstan // Ius Laboris.- August 2017
- Chumachenko A. Employer Tips: Key Obligations in Disability Employment // The Legal 500. – July 2017.
- Chumachenko A. Mandatory Social Medical Insurance in Kazakhstan: New Employer Obligations From 1 July 2017 // Lexology. – July 2017.
- Chumachenko A. Employer Tips: Key Obligations in Disability Employment // Chambers Global. – June 2017.
- Chumachenko A. Conciliation Commission: a Relic of the Past or an Effective Tool to Resolve Labor Disputes? // Legal 500. – 2016.
- Chumachenko A. Problem Issues of Personal Data Localization // The Legal 500. – June 2016.
- Chumachenko Yu., Chumachenko A. New Kazakhstan’s Law on Trade Unions: What Is of Importance for Employers. // Oil & Gas of Kazakhstan. – 2014. № 5. – c. 155–161.
- Chumachenko Yu., Chumachenko A. Specifics of Medical Goods and Services Advertising in the Light of Kazakhstan’s Latest Legislative Changes. – 2014. – June.
- Chumachenko A. Mandatory Pension Contributions Required for Some Employees under Changes to the Law on Pension Provision as of January 01, 2014. // ABA Section of Labor and Employment Law / International Labor & Employment Law Committee Newsletter. – 2014. – April.
- Chumachenko Yu., Chumachenko A. Recent Amendments to the Migration Legislation of the Republic of Kazakhstan. // Petroleum. – 2013. – №5.
- Chumachenko Yu., Chumachenko A. Specifics of Medical Goods and Services Advertising in the Light of Kazakhstan's Latest Legislative Changes. – 2014. – June.

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