

AQUITAS

COMPETITION &
ANTITRUST

antimonopoly practice

AEQUITAS antitrust practice dates more than 10 years back. The firm boasts dozens of successful approvals of M&A transactions significant to Kazakhstan's economy.

Over the past several years, the importance of antitrust regulation in Kazakhstan has largely increased. This is both due to the development of market relations inside Kazakhstan, and to the creation of the Eurasian Economic Union, integration processes and Kazakhstan's accession to the WTO. The legislation on competition protection and counteraction to monopolistic activities has been seriously amended and continues to develop and improve. AEQUITAS lawyers are perfectly familiar with the legislation and the law-application and judicial practice and can address most complex aspects of the national and supra-national antitrust legislation application.

AEQUITAS has signed cooperation agreements with experts extensively experienced in the economic-and-analytical and applied scientific research in the field of competition policy. Due to such expert cooperation, AEQUITAS clients can enjoy not just the legal support services for their projects, but also economic analysis of commodity markets and determination of an entity's market share, as well as expert examination to identify the signs of monopolistically high or low prices or the geographical and commodity borders of the market.

Nurlan Sholanov, Partner heading the firm's Antitrust Practice, is a member of the Eurasian Competition Association, organization uniting legal professionals and trained economists specializing in the field of antitrust legislation.

legal services

Preparation of documents and legal support in obtaining the antimonopoly agency's consent to transactions involving economic concentration.

Local antitrust compliance advice and development of business-relevant recommendations.

Antitrust compliance review of contracts and agreements.

Advice regarding EAEU supranational antitrust legislation application.

Antitrust compliance, including development and implementation of corporate compliance systems.

Client representation in the course of investigations conducted by the antimonopoly agency of the Republic of Kazakhstan.

Client representation in disputes involving antitrust legislation application.

Interaction with the antimonopoly agency of the Republic of Kazakhstan in cases where market entities submit to conciliation commissions.



most representative projects

Documentary due diligence of Coca-Cola Almaty Bottlers operations as to their antimonopoly compliance. In the framework of the project, AEQUITAS lawyers reviewed the company's model commercial contracts and internal documentation governing its operations and conducted interviews with its executives and other employees.

Preparation of an independent legal opinion pursuant to Freshfields Bruckhaus Deringer LLP's assignment covering the Kazakh law issues regulating the activities of Kedentransservice JSC, a leading logistics terminal operator in Kazakhstan, for submission to the Dutch court in connection with the consideration of claim from the minority shareholders of TransContainer PJSC (Russian major container operator) against TransContainer PJSC and a number of other transportation companies. AEQUITAS's opinion contained comments on intricate issues of the local antitrust legislation, corporate legislation and tariff regulation related to transportation services.

Representation of Calouste Gulbenkian Foundation, a Portugal-based company, in its sale of 100% share in its subsidiary Partex Holding B.V. to a Thai state corporation PTTEP. At the moment of the sale, Partex held 20% participatory interest in the production sharing agreement on the Dunga oil and gas field. Matter included advice on competition regulations in Kazakhstan, participation in preparation of the application for economic concentration, advice on other issues connected to the transaction.

Representation of a large listed Chinese investor acquiring the controlling stake at TNG Holding LLP, sole participant of a subsoil user company holding the subsoil use right under a contract for the production of raw hydrocarbons at the Tenge field in Mangystau Oblast. Matter included advice on competition regulations in Kazakhstan in terms of economic concentration and other aspects

Advice to Johnson & Johnson on antitrust regulation matters, including with a view to a possibility to keep track of market product resale prices.

All-round legal support of the project intended to optimize the Kazakhstan-located business of a group of companies privately holding a FMCG logistics and distribution business (tobacco products, beer and soft drinks, grocery products, contraceptives, energy drinks, etc.). The project involved acquisition and transfer of a part of business of the existing Kazakh legal entities to one existing company to become the principal distributor in Kazakhstan. The project's especial complexity was in the obtainment of the authorized antimonopoly agency's consent to the transaction due to its intricate structure, since the Kazakh legislation does not fully regulate the issues of partial business acquisition. The project took almost 2 years to complete.

Transaction support in Kazakhstan of of Apergy Corporation and ChampionX Holding Inc., including consultations on every aspect of Kazakhstan legislation. Inter alia preparation of the antitrust application in order to obtain consent for economical concentration, support of the process connected to receipt of the consent for economic concentration. Review of all the transactional documents.

Legal support of a transaction, including obtainment of antimonopoly agency's consent to economic concentration, in connection with acquisition of indirect control over a Kazakh bitumen producer by Gazprom Neft OJSC, a major Russian oil company.

Support of the client in issues of Kazakhstan legislation, including civil law, corporate law, currency control law, antimonopoly law, amendment of the transactional documents and participation in the negotiations between the parties regarding purchase of indirect control over Tenge oilfield.

All-round legal support of a transaction, including obtainment of antimonopoly agency's consent to economic concentration, in connection with the acquisition of indirect control over local companies by Xinjiang Guanghui Petroleum Co., Ltd., one of China's largest companies active on the global hydrocarbons market.

Legal support of a transaction, including obtainment of antimonopoly agency's consent to economic concentration, in connection with IOT Infrastructure & Energy Services Ltd. (an Indian company leading in drilling and seismic services) acquiring control over a Kazakh seismic prospecting company servicing subsoil users in the Caspian region.

Advice to EN+Group on antimonopoly matters in connection with the acquisition of participation interests in seven Cyprus-registered companies indirectly controlling Russneft (a Russian holding company).

Advice to Schneider Electric, a large German consumer electronics company, regarding obtainment of antimonopoly agency's consent to economic concentration.

Advice to China ZhenHua Oil, a Chinese oil company, including on antimonopoly regulation issues, in connection with the acquisition of shares in Kuat Holding Company JSC controlling a Kazakh oil company; obtainment of the antimonopoly agency's consent to economic concentration.

Advice to the Government of the Russian Federation, including on antimonopoly regulation matters, in connection with Russia's acquisition of participation interests in CPC-K JSC and CPC-R CJSC (owners of the Tengiz–Novorossiysk pipeline) from the Sultanate of Oman.

Advice to Atomredmetzoloto OJSC, a Russian atomic company, including on antimonopoly regulation issues, in connection with a transaction involving incorporation of a united company and execution of an intergovernmental agreement.

Advice to a large Russian investor, including on antimonopoly legislation issues, in connection with its acquisition of assets of two major local transportation companies.

Legal support of a transaction, including obtainment of antimonopoly agency's consent to economic concentration, in connection with the merger of business in Russia and the CIS of two largest milk product manufacturers — Danone and Unimilk.

Conducting a training for the employees of Johnson & Johnson on the issues pertaining to the single market of medicines and medications, general provisions of legal regulation in the framework of the Eurasian Economic Union, and applicable issues of the Kazakhstan antitrust legislation.

Legal assistance in applying Kazakh antitrust legislation to a transaction involving acquisition of BG Group, third largest gas producer in the United Kingdom, by Shell, a leading global oil production company. According to Bloomberg, the transaction is in the list of 15 largest M&A transactions in history. Freshfields Bruckhaus Deringer LLP and Slaughter and May acted as the transaction global advisors. Working on the project AEQUITAS provided advice on intricate issues of local antitrust legislation and preparation of application to the RK antimonopoly authority for consent to economic concentration.

Successful representation of Coca Cola Bottlers JV LLP in court in connection with its appeal against the Antimonopoly Inspection's ordinance to eliminate antimonopoly legislation violations (unfair competition).

membership



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ratings

“AEQUITAS is very knowledgeable, proactive and has been very helpful in understanding local requirements. The company works with knowledge of the case and clear approaches”.

The Legal 500 2024

“AEQUITAS Law Firm is flexible in its approach and understands the legal and commercial needs of the client. Their lawyers have strong intellectual strength and the ability to find logical solutions”.

Chambers Asia Pacific 2024

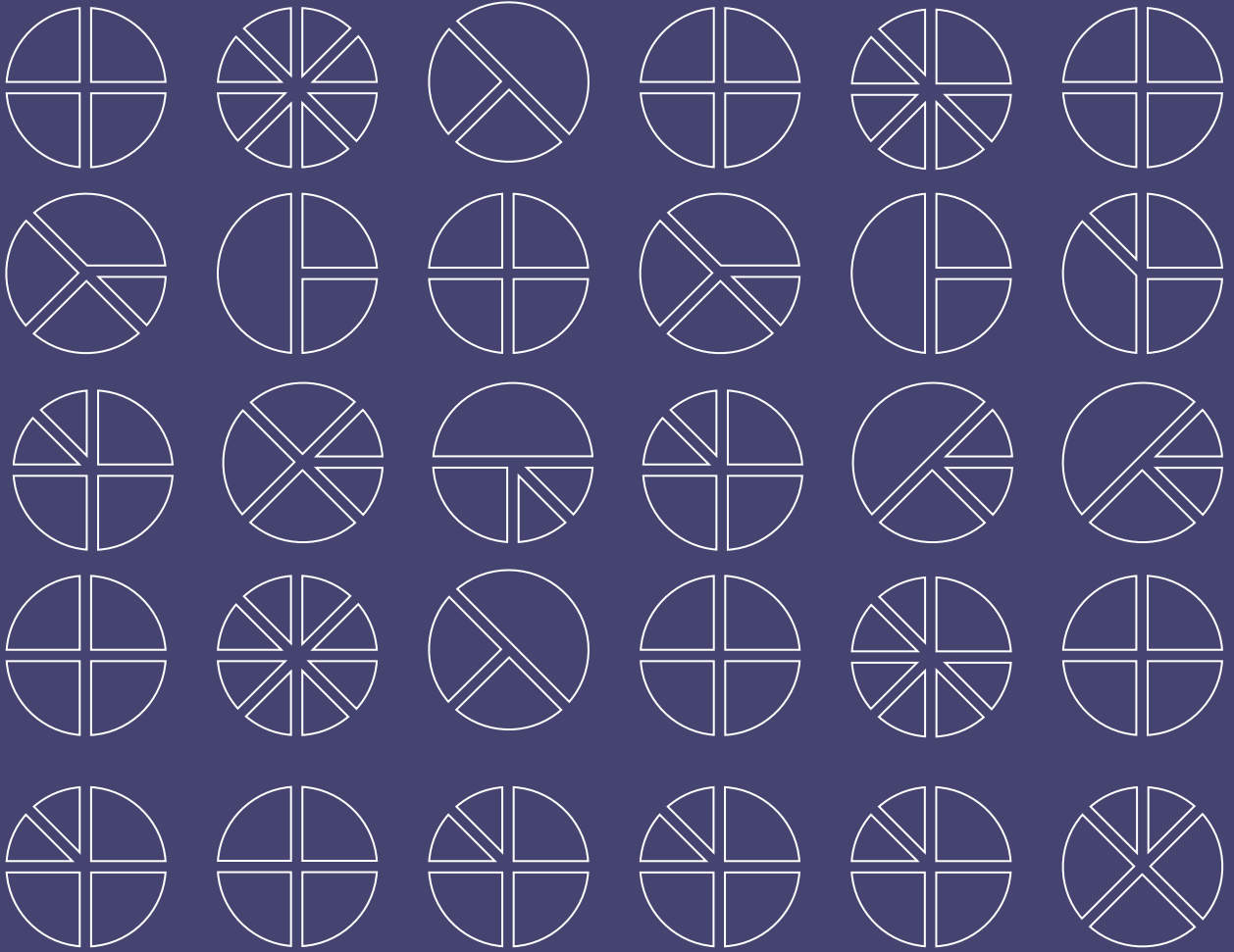
“AEQUITAS is very responsive, flexible and thoughtful with regard to the client’s business concerns”.

Asialaw Profiles 2023/24



AEQUITAS remains a consistent performer on antitrust issues in Kazakhstan. **Natalya Braynina** heads the antitrust practice of the firm and regularly advises global and domestic companies on antimonopoly regulations.

This year Natalya Braynina spoke at the annual international conference of antitrust legislation of the Republic of Kazakhstan and Eurasian Economic Union regarding the amendments to the Kazakhstan’s antitrust legislation.



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