

# Ukrainian Law Firms 2018. A Handbook for Foreign Clients

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- На протяжении многих лет издание является единственной национальной юридической директорией, которая представляет ключевые отрасли украинского права и специализирующиеся в них юридические фирмы.
- Издание является уникальным маркетинговым инструментом для продвижения информации о юридической фирме среди уже существующих и потенциальных клиентов; инструментом построения корпоративной и персональной репутации; уникальным исследованием юридического рынка по его ключевым конкурентным сегментам.
- Ежегодно презентационные экземпляры обозрения рассылаются в офисы крупнейших иностранных и украинских компаний, в посольства иностранных государств в Украине, Торговые палаты, бизнесассоциации, международные организации и государственные органы.
- Издание распространяется среди участников различных украинских и международных конференций.

# UKRAINIAN **2018**

### **Practice Areas and Industries Review**

Приглашаем вашу компанию разместить тематическую статью в отраслевом разделе обозрения "Practice Areas and Industries Review".

Стоимость одной статьи составляет 18 900 гривен, а каждой последующей – 17 900 гривен, включая налоги.

#### **Cross-Border Debt Restructuring**

#### A Remarkable Year of **Restructuring. What Next?**





That happened in 2015 in reflection of larger scale events in and around aine. In this article, we will share our view Restructuring of the key events in 2015 in the area of corporate finance, highlight the most important how to navigate through 2016.

### MANY RESTRUCTURINGS AND LITTLE NEW MONEY FINANCE

cinctly describe 2015, "restructuring". We can safely say that it was a record-breaking year global markets and, in some cases, a host of and approaches some of which would have

biggest chunks of their debt restructurings. Given many overlaps among public and pri-vate sector creditors, the success of commercial debt restructurings was largely de-pendent on the deal between Ukraine and its powerful signal and a general sense of direc-tion in their dealings with local private sector

creditors all but dried up. Only international financial institutions, such as the EBRD and IFC, provided some new loans to Ukrainian following such exchange. part of the significant financial support from official creditors, including the EU, Canada and Japan. There were no new money issues and underlying cross-border loans made of Eurobonds other than one issue by Ukraine structuring more nuanced and complex. supported by the US guarantee.

debt restructurings: (1) the sovereign and the world of Ukrainian quasi-sovereign debt restructurings and (2) robond deals. other commercial debt restructurings.

#### I. Sovereign and Quasi-sovereign Debt

Fund Facility required Ukraine to do the relegislative and regulatory developments in structuring of its sovereign and sovereign finance and, based on our experience, make a guaranteed debt obligations. Together with the sovereign, the City of Kyiv, FinlnPro (a special state finance vehicle for Euro 2012 offers. We saw a growing trend of resorting to projects), Oschadbank, Ukreximbank and Ukr-zaliznytsia, as quasi-sovereign entities, had to do the same. By the end of the year, Ukraine. the City of Kyiv and the two state ba There is one word, which could sucrespective debt obligations.

This debt restructuring was unprece in terms of the scale of restructuring. The pressures of the war, slump in the Ukrain-ing compromise between the sovereign and ing compromise between the sovereign and ian economy, bryvnia devaluation, shift in its creditors required innovative solutions. Ukrainian law perspective. Ukrainian curother homegrown problems mounted. Even been impossible without new legislation. more realisent debtors found restructur-ing to be the only solution, sometimes after softer restructuring options of reprofiling/li- are subject to special regulation and are amendment of borrowing terms did not work. used in other sovereign debt restructurings. Last year was particularly characteristic 
In addition, new legislative provisions were because it was the year when the sovereign set up to discourage negative holdout strate-

consenting bondholders to have priority vis-

à-vis the dissenters.

Though smaller in scale, the reprofil ine exercises of state banks, restructuring of creditors. When they did, this gave investors a many challenges of their own with complex structuring and manoeuvring through mac roeconomic challenges and inflexibilities of Ukrainian law:

nancing and refinancing from private sector change of sovereign guaranteed Eurobonds into sovereign notes and state derivatives as well as new rules to resolve certain tax issues

 The City of Kyiv deal involved conver New loans were also coming to Ukraine as sion of municipal debt into sovereign debt. The fact that the original borrowings were structured through loan participation notes

- Reprofiling of state banks' debt included extending maturities, increasing the coupon, modifying repayment schedule and, There were two distinct streams in 2015 in the case of Oschadbank an ontional exchange mechanism, unique for Ukrainian Eu-

#### 2. Commercial Debt Restructurings

Last year saw a surge in liability manage ment exercises by some of the biggest name The strict targets of the IMF Extended on the market, including Ferrexpo, DTEK, PrivatBank and Avangard. A notable feature of these deals was that most of them did not go down the familiar consensual paths of consent solicitations, exchange offers or tende market, such as the English court-approved scheme of arrangement. The scheme of ar-rangement is a particularly attractive tool to may not agree to the terms of the proposed

> The successful course of debt restructur ings depends on finding right solutions from larly challenging especially when creditors may agree to ease certain terms (eg, maturity extension) in return for a coupon increase, nartial prepayment or other forms of immebeen a problem in light of the long-standing maximum interest rate limitations, which still remains unchanged. The highest limit is

11% per annum for 3-year and long- tic plan of recovery and work out some er loans in major foreign currencies (eg, US dollars, Euro). In light of huge Last but not least, despite problems, Bank of Ukraine (NBU) introduced have the trust of their creditors. Losing back in 2014 the so-called "tempo-rary" measures which are still effec-ing process difficult, but also can derail tive and, among other things, prohibit prepayments under cross-border loan financial market in the future. agreements and payments under om August 2015, the NBU made it tors find them

that this procedure will require addi-tional time and efforts to comply with. creditors with an empty shell. There-

#### SEVERAL POINTS TO BEAR IN MIND

paramount importance to understand which started back in 2014 or 2015, that co-operation is much better than still pending, 2016 will almost cerwar. It is a very common thinking tainly continue to be the year of re-among Ukrainian borrowers that if structurings. Hopefully, these deals rough times come, there are no friends will be completed later this year and and it seems to be an all-or-nothing the scale of restructurings will likely game. However, when a business fac- start going down. At the same time, es a prospect of insolvency, interests of reasonable borrowers and lenders new money finance may come back should align. They need to take all later in the year. This is still with measures in good faith to ensure that many "if's", including maintenance business restores solvency and lenders can then get their money back. It is dynamics of reforms, but at the end important that borrowers do not play of the day, both creditors and debtors hide-and-seek, but proactively ap-proach lenders about their problems course business with Ukrainian comand timely respond to creditors' re-quests. Borrowers should come up with creditors getting a return on their their suggestions for a clear and realismoney.

viable solutions with their creditors.

From creditors' perspective: First In 2015, the currency control restrictions became even stricter. Starting are in order. Ironically, some crediimpossible to change lenders and/or age of original documentation. It is agreements. For some time, these restrictions blocked any restructuring they financed. Once there is evidence lar mechanisms. In the wake of 2016, bling, experienced financial and legal the latter restriction was replaced with the new cross-border loan registroget hold of the situation and entration procedure involving addition-al scrutiny from the servicing bank guarantee that some dishonost debtand the NBU. It is already apparent ors will not start dissipating cash and There are also some unique issues fore, creditors need to be prepared to situation in the areas of Donetsk and of assets and other asset protection Luhansk regions affected by military instruments. Avoiding taking the comconflict makes restructuring of com-panies with their assets there espe-able as it increases chances of recovally problematic. For example, any ery for unsecured creditors. However, kind of enforcement actions in these creditors need also to be ready that areas under loans, suretyships, se- consensual restructuring may fail at curity documents so far remain out any moment and they will need to of sight. Any actions which need to make sure that their claims are recogni these areas often face legal, logistical timely crystallisation and submission of claims, maintaining contact with asset managers, active participation in

bankruptcy proceedings, etc. Given that there are several high-From debtors' perspective: It is of profile debt restructurings, some of

#### **PRO**file

#### AVELLUM

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vellum is a leading Ukrainian full service law firm with a special focus on finance, M&A, and dispute resolution.

The firm covers capital markets, con petition, corporate/M&A, dispute resolaw firm with a special focus on finance, infrastructure, real estate, restructuring and insolvency

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The firm's employees received their education consists of 27 highly qualified attorneys, including three partners — Mykola Stetsenko, Gilb Bondar, and Dmytro Marchukov, who are actively involved in every

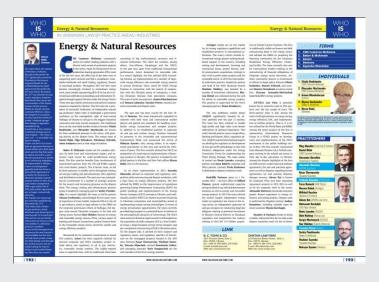
firms in Ukraine by various international lexal directo ries and Ukrainian legal editions such as Chambers & Partners, IFLR1000, Legal500, International Tax Review. Ukrainian Law Firms, and others.

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71

## Who is Who in Ukrainian Law By Practice Areas/Industries Обзор по практикам

- Общий обзор практической работы, осуществляемой юридическими фирмами по каждой из практик
- Мини-рейтинги ведущих юридических фирм и ведущих персоналий в практических областях;
- Итоги исследования подготовлены нашей редакционной командой на основе анкетирования и опроса.





# UKRAINIAN 2018

## Прайс на размещение рекламы в каталоге ULF 2018

Реклама на обложке			
Over rates	Размер	Размер в мм	Стоимость в грн
3-я обложка	1/1	220x307	25000
4 <sup>-я</sup> обложка	1/1	220x307	40 000
Внутри издания			
Ad size		Space unit, mm	Price, UAH
1/1		185x271	24 000
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## Counselink

**Counselink** — это адресный блок вашей компании в одном из тематических обзоров раздела "Who is who in Ukrainian Law by Practice Areas/Industries", который указывает на специализацию фирмы в конкретной области практики . Адресный блок дублируется и на сайте www.ukrainianlawfirms.com

#### COUNSELINK

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Tax: Consulting and Litigation

**Telecommunications** 

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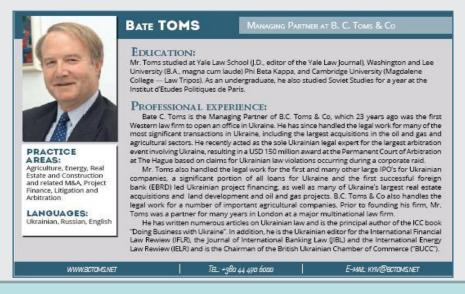
Transport: Aviation, Maritime, Shipping.

## Individual Profile

**Individual Profile** — это редакционный блок, в котором юристы получают возможность публиковать информацию о себе ,чтобы познакомить читателей с лидерами рынка и найти специалистов в конкретной области на страницах нашего каталога

#### Requirements:

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- контактные данные: телефоны, email, сайт
- Объем 2 000 2 500 знаков с пробелами (области практики, языки, образование, профессиональный опыт)



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Information Technologies

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International Trade/Trade Remedies

Labor & Employment

Litigation

Media

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Private Clients / Wealth Management Real Estate, Construction and Land

Retail

Tax: Consulting and Litigation

Telecommunications

Transfer Pricing

Transport: Aviation, Maritime, Shipping

# KRHILIHII **2018**

**Individual Profile** 

### PR-package №1

Law Firm Profile — текстовая информация о компании с полными контактными данными объем 2 000 знаков с пробелами . Размещение на сайте: www.ukrainianlawfirms.com

5 000 грн

AGA Partners Law Pirm was founded in 2005 and this year is celebrating its 10th anniver in Kiev by a group of young and promising legal professionals.

Aminat Suleymanova has been the firm's managing partner since its very foundation AGA Partners has been a leading law firm in the area of international trade and international year of intensive practice, and so it has been invariably ranked among leading Ukrainian le International arbitration, International trade and Agribusiness.

clients include the largest leading grain trading holdings and companies ning, Zerno.UA, NCH, Agrotrade, Trigon Agri, Ramburs, Zernotrade, etc.

2015 AGA Partners became an associated member of the European iceless experience with other participants of this notable organizati velopments in Ukrainian legislation based on a European background.



LANGUAGES:

Tel.: +380 44 206 0675, 206 0676 Fax: +380 44 206 0676

EDUCATION:

HELEN

PROFESSIONAL EXPERIENCE:

Corporate structuring, restructuring and insolvency, fundraising in/with Ukraine assets buy-outs/ins, M&A, international transactions and joint ventures, domestic and cross-border money transmissions, e-commerce.

transmissions and implementation of IT into financial services markets. Ms. Lynnyk represents companies on concentration, M&A, and buy-outs/ins in banking and financial sectors. She is a Legal Consultant at the International Finance Corporation (IFC, World Bank Group). In 2014 Ms. Lynnyk joined the Expert Council at the Deposit Guarantee Fund.

KECOGNITION In 2014 ML Lympk was ranked arrong the TOP 5 sectionyers in banking 8 finance and in 2014 ML Lympk was ranked arrong set all two templages and two templages and Ultramine Lawling Lawyers in banking 6 finance by Ukrainian Law Firms 2014. A Handbook for Foreign Clients. In 2013 the Annual National Suvey Law Firms of Ukraine Included ML Lympk in the TOP 16 of the most promising Ukrainian Lawyers of the new generation and into the TOP 36 of leading national lawyers.

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Прайсовая стоимость пакета - 52 800 грн

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### PR-package №2

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