



ALEXANDR CHUMACHENKO

Associate

AEQUITAS Law Firm

Address: 47 Abai Avenue, Office 2
Almaty 050000
Republic of Kazakhstan

Phone: + 7 (727) 3 968 968

E-mail: a.chumachenko@aequitas.kz

Website: www.aequitas.kz

Mr. Chumachenko's areas of specialization are corporate and labor law. He possesses experience in the sphere of contractual relations, healthcare, legal regulation of activities of production and trading companies, including legal aspects of production and turnover of different categories of goods. He has been with AEQUITAS since 2011, before which he worked for a local law firm.

Alexandr graduated from the law faculty of the Caspian Public University where he was majoring in civil law (2010). He is an author of numerous articles and publications in local and foreign press on different aspects of labor and pharmaceutical legislation.

Mr. Chumachenko is a member of the Kazakhstan Bar Association and a respondent for the World Bank's Doing Business monitoring program.

MOST REPRESENTATIVE PROJECTS

Labor & Employment

- Advising a number of major companies on migration law issues and foreign labor engagement procedure in Kazakhstan.
- 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 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 agreements and various employer's acts globally used by the corporate clients' subdivisions to meet the local peremptory legislative requirements; drafting of a set of mandatory documents required to comply with the personal data protection requirements, including subject to the personal data databases localization requirement; and advising on the issues of benefits, bonus plans, employee repatriation, housing, etc.

- Drafting of employment agreements 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.
- 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 agreements and after their termination.
- Advice to a service company on a range of labor law issues, including participation of employee representatives in labor relations, procedure for making withholdings from employee 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 agreements 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.
- 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.
- 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.

* * *