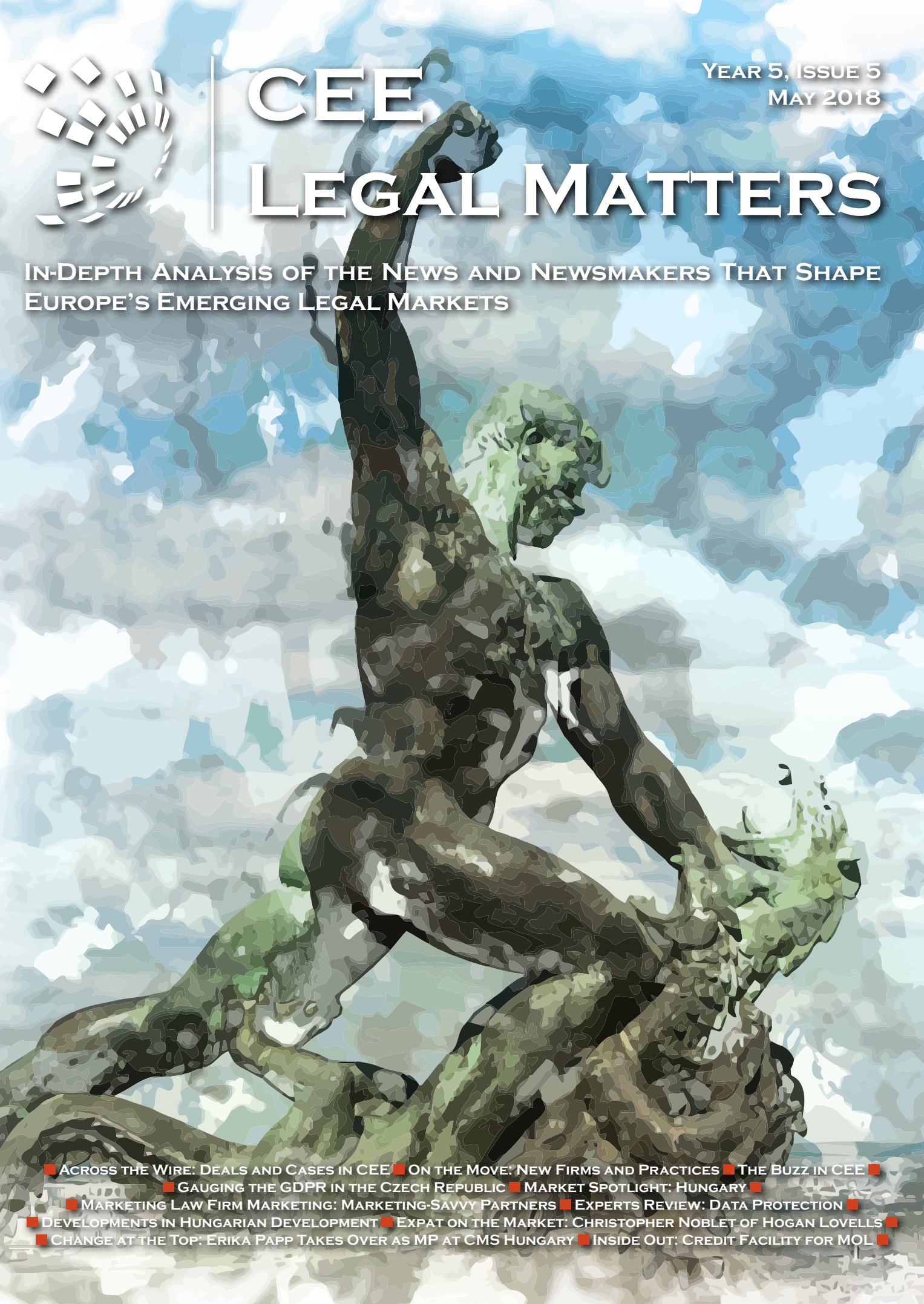




# CEE LEGAL MATTERS


YEAR 5, ISSUE 5  
MAY 2018

IN-DEPTH ANALYSIS OF THE NEWS AND NEWSMAKERS THAT SHAPE  
EUROPE'S EMERGING LEGAL MARKETS



- ACROSS THE WIRE: DEALS AND CASES IN CEE ■ ON THE MOVE: NEW FIRMS AND PRACTICES ■ THE BUZZ IN CEE ■
- GAUGING THE GDPR IN THE CZECH REPUBLIC ■ MARKET SPOTLIGHT: HUNGARY ■
- MARKETING LAW FIRM MARKETING: MARKETING-SAVVY PARTNERS ■ EXPERTS REVIEW: DATA PROTECTION ■
- DEVELOPMENTS IN HUNGARIAN DEVELOPMENT ■ EXPAT ON THE MARKET: CHRISTOPHER NOBLET OF HOGAN LOVELLS ■
- CHANGE AT THE TOP: ERIKA PAPP TAKES OVER AS MP AT CMS HUNGARY ■ INSIDE OUT: CREDIT FACILITY FOR MOL ■





**June 6-8 in Prague**

**Dealer's Choice and  
GC Summit**

**"The premier private practice and  
in-house events of the year in CEE"**

**Contact us now for details**

**[www.dealers-choice.ceelegalmatters.com](http://www.dealers-choice.ceelegalmatters.com)**

**[www.2018gcs Summit.ceelegalmatters.com](http://www.2018gcs Summit.ceelegalmatters.com)**





CEE  
LEGAL MATTERS

IN-DEPTH ANALYSIS OF THE NEWS AND NEWSMAKERS  
THAT SHAPE EUROPE'S EMERGING LEGAL MARKETS



### The Editors:

David Stuckey  
david.stuckey@ceelm.com

Radu Cotarcea  
radu.cotarcea@ceelm.com

### Letters to the Editors:

If you like what you read in these pages (or even if you don't) we really do want to hear from you. Please send any comments, criticisms, questions, or ideas to us at:

press@ceelm.com

### Disclaimer:

*At CEE Legal Matters, we hate boilerplate disclaimers in small print as much as you do. But we also recognize the importance of the "better safe than sorry" principle. So, while we strive for accuracy and hope to develop our readers' trust, we nonetheless have to be absolutely clear about one thing: Nothing in the CEE Legal Matters magazine or website is meant or should be understood as legal advice of any kind. Readers should proceed at their own risk, and any questions about legal assertions, conclusions, or representations made in these pages should be directed to the person or persons who made them.*

*We believe CEE Legal Matters can serve as a useful conduit for legal experts, and we will continue to look for ways to expand that service. But now, later, and for all time: We do not ourselves claim to know or understand the law as it is cited in these pages, nor do we accept any responsibility for facts as they may be asserted.*

# EDITORIAL: ROCKIN' AND ROLLIN'

It's been a busy period here at CEE Legal Matters, as we ramp up for the Dealer's Choice conference, the Deal of the Year Awards Banquet, and the two-day GC Summit, all happening between June 6-8 in Prague. Putting together one major event is already a serious challenge – putting together **three** major events, running back-to-back-to-back (while, of course, keeping up with the demands of the CEE Legal Matters website and this here monthly magazine), is ... well, as I said, it's been a busy period.

Next year, we're planning on doing it a bit differently. While we keep the GC Summit in early June (probably in **Vienna** for the first time), we have tentatively scheduled the 2019 Dealer's Choice conference and Deal of the Year Banquet for March 28, 2019, in Budapest with a new event – a special conference for CEE law firm marketing and business development experts – scheduled for the day before. Those dates aren't final, of course – but that's the plan. And there will, of course, be Early Bird discounts to both events for those who sign up this year. Those interested in learning more, or who would like to share their ideas for events with us should contact us.

In any event, I can't imagine we'll get much sympathy for how busy we are. It appears that M&A and Real Estate lawyers are staying, happily, equally busy across the region – the mood at the Round Table on the Hungarian Real Estate sector (page 48) could hardly have been more upbeat – and even the claims of activity from lawyers in those countries where investment is limited due to unique political challenges seem less dubious than before. Nobody



would claim the glory days of 2006 are back, but nobody's complaining, either.

And of course the GDPR is a major part of this. The Regulation, which inspires much of the content of this issue, is providing unprecedented amounts of work for lawyers at law firms across Europe. Still, while nobody would deny its commercial value for lawyers or turn away any of the business it's generating, the combination of panic and confusion that is accompanying its May 25 implementation are causing anxiety and stress all down the line. But we'll take it! Indeed, to some extent "anxiety and stress" is what law firms are designed to help with. It's the Bat-signal, the dog whistle, for the legal industry. And glad we are for it.

So things are good! The EU is implementing laws that necessitate massive internal compliance changes both inside and outside the Union, economies are strong and getting stronger, and the two biggest and best networking and socializing events for lawyers in the history of CEE are about to begin in the City of 100 Spires. CEE, it appears, is rockin' and rollin'. Let's keep that train moving!

David Stuckey

# GUEST EDITORIAL: A CHANGE IN THE LEGAL NARRATIVE – PAST FEARS AND NEW OPPORTUNITIES



Until a few years ago, the narrative within legal practices, as in most service industries, focused mainly on austerity, small growth numbers, and the crises. Most legal practitioners feared an uncertain future and all the risks it held, including evolving client expectations, financial pressure, and the long-term impact of the global economic crisis.

Speaking from today's perspective, those fears seem to have been unjustified. The most recent global economic indicators and data speak in favor of optimism, as the largest global economies are performing well in terms of GDP growth and declining unemployment. Deal reports show that the opening quarter of 2018 – increasing by 18% over Q1 2017 to reach USD 890.6 billion – is the best performing in decades.

The relevant data supports the same optimistic narrative in the CEE region. Economic indicators are definitely improving across the region, even in those countries which were hardest hit by the global economic crisis. The negative effects of austerity have definitely subsided and regional practices seem to be growing. Deal reports show that we are witnessing record-breaking numbers in terms of deal count and value in the first quarter of 2018 (for example, Mergermarket reports EUR 12.1 billion deal value in Q1 2018 in its CEE and Russia report, the best performing opening quarter since 2013).

All of this translates well throughout legal practices: global firms are achieving record profits and revenues, while confidently expecting even more growth, as evidenced by frequent lateral hires of star partners on both sides of the Atlantic. The exchange has become so obvious that The Financial Times felt it newsworthy, reporting in a recent article that even the most conservative firms in London are abandoning the lockstep financial model to retain their star partners or bring in new ones. In 2016 and 2017, most firms increased associate salaries for the first time in over a decade. Contrast that with the massive trends in outsourcing from 2008 and the picture becomes clear: behavior in response to market upsets is predominantly reactive, and we should be happy that the crisis is behind us.

As lawyers and business people, we get entangled in thinking mostly about short-term trends. Most of these above-mentioned indicators have performed well in the past too, and most of the records that are broken today date back to 2006 or 2007. Do not take this the wrong way – I am not making a case that another crisis lies ahead, since much of this optimism is translating into investing in legal practices and improving the way

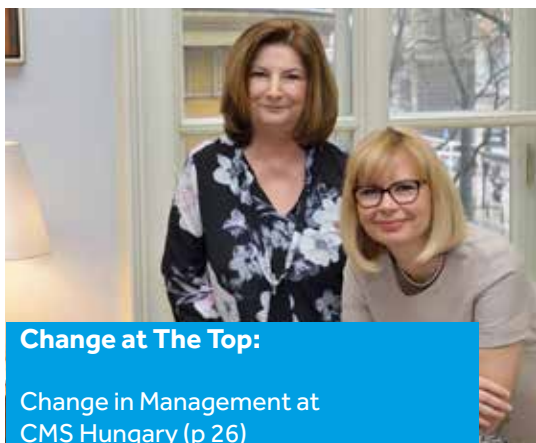
we serve our clients and communities. Clients are re-recognizing the value of high quality service (contrary to the expectations of price pressure and the commoditization of service). Legal talent is again embracing the culture of legal practices (contrary to the fears of millennial invaders hacking the law firm concept and the overall professional services culture)

However, a case should be made for thinking even further ahead to what our clients will expect next and what we should do as lawyers and leaders in our fields. The time for long-term thinking is now. We are enjoying the benefits of all the positive economic trends, but the memories of the past crisis remain fresh. Client expectations are increasing through both boom and bust cycles. Finally, young lawyers are smarter than ever, and the gap between star partners and juniors is closing. The sooner all of these challenges are met with robust planning, the more relevant our profession will remain in the years to come.

The first step towards long-term planning is embracing several aspects of the business culture of the new generation (and I am intentionally avoiding references to the “start-up mentality,” with all the bad credit it gets). In terms of structure, it means developing strategies focused around people and introducing forms of profit sharing to ensure that lawyers are faced with how clients value their work from early on. It also means abandoning strict hierarchy structures in favor of more direct pathways from junior to the most senior positions (for both lawyers and non-lawyers), and introducing far more flexibility and openness for female partners. In terms of processes, it means the introduction of more algorithmic thinking, focusing on iterative processes while serving clients (for example, allowing clients access to early drafts of our work in order to both ensure that their explicit (not assumed) expectations are met and increase efficiency).

If the question is what to do now, my answer is simple. Spend a day at an IT incubator or at a start-up conference. Become a member of digital initiative (just like Karanovic & Nikolic became part of the Digital Serbia Initiative) and use your legal expertise in service of digital transformation. Offer help to a start-up or scale-up without expecting anything in return. Allow your lawyers (and other employees) exposure to the new culture and provide them with pathways to management.

**Rastko Petakovic, Managing Partner,  
Karanovic & Nikolic**



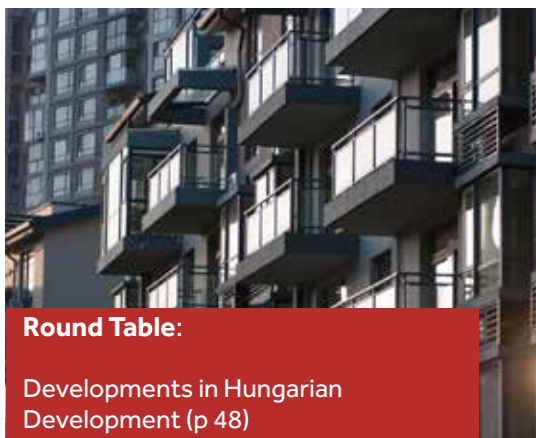
### Change at The Top:

Change in Management at CMS Hungary (p 26)



### Marketing Law Firm Marketing:

The Supportive Partner (p 42)



### Round Table:

Developments in Hungarian Development (p 48)



### Experts Review:

CEE Experts Review Round-up on Data Protection (p 52)

## Preliminary Matters

2 - 5

- 2 Editorial: Rockin' and Rollin'
- 4 Guest Editorial: A Change in the Legal Narrative – Past Fears and New Opportunities

## Across the Wire

6 - 29

- 6 Across the Wire: Featured Deals
- 10 Legal Ticker: Summary of Deals and Cases
- 20 On the Move: New Homes and Friends
- 26 Change at The Top: Erika Papp Takes Over from Gabriela Ormai as Managing Partner at CMS Hungary

## Legal Matters

30 - 45

- 30 Legal Matters: The Buzz
- 40 Gauging the GDPR in the Czech Republic
- 42 Marketing Law Firm Marketing: The Supportive Partner
- 44 Inside Insight: Helena Kokot Of Zagreb International Airport

## Market Spotlight: Hungary

46 - 51

- 47 Guest Editorial: Vanity Fair
- 48 Developments in Development: A Hungarian Round Table
- 58 Inside Out: Dentons and CMS Advise on Credit Facility for MOL
- 64 Expat on the Market: Christopher Noblet of Hogan Lovells

## Experts Review: Data Protection

66 - 82

- 66 CEE Experts Review Round-up on Data Protection



# ACROSS THE WIRE: FEATURED DEALS

## Actecon Claims Landmark Result for GOLTAS Cement in Challenge to Turkish Competition Authority Penalty



The 10th Administrative Court of Ankara in Turkey has accepted Actecon arguments on behalf of GOLTAS Cement and annulled the a penalty of TRY 14.5 million levied by the Turkish Competition Authority against the company and five other cement producers operating in the Aegean Region of Turkey.

The penalty was imposed for allegedly entering into a collusive agreement to allocate certain geographical regions among themselves and to collectively raise the prices of cement products from January-March 2013 to October-December 2014.

According to Actecon, the Turkish Competition Authority's penalty "was significant because the TCA was not able to find evidence of any contact between the said undertakings with respect to market allocation or collective price increase and relied on economic data," but instead "mainly compared the market structure in the said period with the preceding and succeeding periods and concluded that the market structure was similar to those markets where competition is restricted." According to the firm, "the TCA claimed that the economic evidence was sufficient to trigger the "presumption of concerted practice" which shifts the burden of proof to the investigated parties as per Act no. 4054 on the Protection of Competition. Once the burden of proof is shifted, the parties must rebut the presumption of concerted practice by showing that the alleged unusual market conditions were stemming from external factors such as an increase in demand or in the costs of raw materials."

In their defense, the cement companies submitted evidence showing that price increases had been “a result of natural market forces rather than ... anti-competitive behavior.” GOLTAS Cement, for one, claimed that “its price increase of 42% in the relevant period was much below compared to the price increases of competitors and also justified by the 28% increase in its costs and the 29% increase in demand.” According to Actecon, “yet, the TCA rejected that defense merely by claiming that these may not be regarded as reasonable justifications in the case at hand.”

In its ruling of February 2, 2018, the 10th Administrative Court of Ankara annulled the penalty, ruling that GOLTAS Cement had in fact rebutted the presumption of concerted practice, noting in the process that “the 42% increase in GOLTAS Cement’s prices were far below the market average of 83% and that the 14% difference between the 28% increase in the costs of GOLTAS Cement and its price increase was justified by the 29% increase in demand.”

*“This is a historic and a landmark decision. In more than 20 years, it is the first time that an administrative court decided to annul the decision of TCA.”*

– Bahadır Balki, Managing Partner, Actecon

Finally, according to Actecon, “although the decision of the 10th Administrative Court is not final as it is subject to further judicial review in higher administrative courts, this is a landmark decision that will fundamentally change the way in which the TCA establishes concerted practice. The TCA’s approach of amalgamating its claims concerning all the investigated parties rather than conducting individualized economic assessments in concerted practice cases had long been criticized. Yet, this is the first decision where an administrative court annulled an administrative fine on the ground that the required standard of proof was not met. The implications of this decision are yet to be seen, but it sends a clear message to the TCA that it must separately assess the behaviors of each investigated party by taking into consideration the specific economic circumstances. So far, the administrative courts in Turkey had been reluctant to delve into the issue of standard of proof as well as any other issues concerning the defensive safeguards associated with the general right to a fair trial. This may be a milestone in the judicial review of TCA’s decisions in general since this decision is the only one in twenty-year enforcement that administrative courts, considering the essence of the case (mainly the standard of proof), annulled a TCA decision imposing monetary fine. The decision of the 10th Administrative Court may have opened Pandora’s box.”



## Avellum Advises PJSC Ukrzaliznytsia on Billion-Dollar Deal for Ukrainian Railways Renovation



Avellum acted as Ukrainian legal counsel to PJSC Ukrzaliznytsia, the country’s state-owned rail transport company, on a USD 1 billion collaboration with GE Transportation, a division of the General Electric company.

General Electric describes the framework agreement as the largest ever for the company in Ukraine. The first transaction within the framework, involving Ukreximbank, involves the supply of 30 GE Evolution Series freight locomotives to Ukrzaliznytsia.

The agreement envisions further delivery of additional locomotive kits over the next decade, as well as the rehabilitation of locomotives in the railway’s legacy fleet and long-term maintenance services.

The manufacture of the locomotives in the US is scheduled to start in early 2018, with the first deliveries expected for this autumn. Work on the locomotives will be partially done in Ukraine that reportedly will ensure further promotion of job creation and economic growth in the country.

Due to the localization requirement, Ukraine will account for 10% of production and supplementing parts with further increase of up to 40% over a 10-year period. Avellum describes the transaction as an important step towards the modernization of Ukraine’s railway transport infrastructure.

The manufacture of the locomotives in the US is scheduled to start in early 2018, with the first deliveries expected for this autumn. Work on the locomotives will be partially done in Ukraine that reportedly will ensure further promotion of job creation and economic growth in the country.

The Avellum team was led by Counsel Maksym Maksymenko and included Senior Associate Anna Melnychuk, both working under the general supervision of Managing Partner Mykola Stetsenko and Senior Partner Glib Bondar.

Asters advised GE Transportation on Ukrainian law. Sayenko Kharenko represented Ukreximbank on the deal.





## Schoenherr and Karanovic & Nikolic Advise on Telenor Sale and Financing



Schoenherr, working alongside Latham & Watkins, has advised Telenor on its agreement to sell its assets in Central and Eastern Europe to the PPF Group for EUR 2.8 billion on an enterprise value basis. Karanovic & Nikolic, working alongside White and Case and Djingov, Gouginski, Kyutchukov & Velichkov, advised the PPF Group. Societe Generale was agent and a syndicate of banks provided a EUR 3.05 billion credit facility to PPF Group for the acquisition, which is expected to close in Q3 2018 and is subject to the relevant merger control and regulatory approvals.

Telenor sells its business in Eastern Europe, including Hungary, Bulgaria, Serbia, and Montenegro, where it services more than nine million customers and generates nine percent of the group's total revenue and eight percent of group's total profit. The deal also includes technology service provider Telenor Common Operation. The exit from Eastern Europe follows Telenor's commitment to focus on Scandinavian and the fast-growing Asian markets where the company is already present in Bangladesh, Myanmar, Pakistan, Thailand and Malaysia.

The M&A transaction is reported to be the largest ever in the CEE telecom sector, and the largest loan syndication in the region since 2011.

*"We advised Telenor as lead counsel on the acquisition of its current Bulgarian operations in 2013. The value of this transaction formed approximately 70% of the entire M&A transaction volume on our market in that year. While we certainly regret seeing Telenor leave Bulgaria, we are happy to be part of the legal team advising Telenor on this complex and truly international transaction which not only dominates the local M&A market, but ranks atop the entire CEE/SEE region."*

– Alexandra Doytchinova,  
Managing Partner, Schoenherr Bulgaria

Schoenherr's team was led by Belgrade Partner Luka Lopovic, working with Belgrade Attorney at Law Bojan Rajic, Sofia Partner Alexandra Doytchinova and Associate Stela Pavlova, and Budapest Partner Zita Albert and Attorney at Law Marton Gervai.

*"This is a landmark transaction that will certainly have great impact on the CEE telecommunications sector. We are very pleased that, together with our colleagues from White & Case, we advised on a deal that will reshape the regional telecoms milieu."*

– Rastko Petakovic, Managing Partner,  
Karanovic & Nikolic

The Karanovic & Nikolic team was led by Partners Rastko Petakovic and Milos Jakovljevic.

Allen & Overy, BDK Advokati, and Boyanov & Co. advised Societe Generale and the banking syndicate.

**schönherr** **karanovic/nikolic**

## Wolf Theiss Advises TF Silesia on Purchase of Majority Stake in Sefako



Wolf Theiss has advised Polish state-owned company Towarzystwo Finansowe Silesia sp. z o.o. on the acquisition of a majority stake in Fabryka Kotlow Sefako S.A., a Polish manufacturer of boilers for the power industry, from the state fund MARS Fundusz Inwestycyjny Zamkniety.

TF Silesia invests in Polish industrial companies in the steel, power, and manufacturing sectors. Fabryka Kotlow Sefako is based in Sedziszow, in Southern Poland.

The transaction closed on March 15, 2018 after obtaining competition clearance from the Polish antimonopoly office.



The Wolf Theiss team included Counsel Dariusz Harbaty and Associates Joanna Wajdzik, Anna Nowodworska, and Monika Gaczowska.



### Turunc Advises Valeo on Sale of Hydraulic Actuation Division to Raicam



Turunc and Cleary Gottlieb Steen & Hamilton have advised worldwide automotive supplier Valeo on the sale of its passive hydraulic actuation division to Raicam, executed to obtain regulatory clearance for Valeo's planned takeover of German clutch manufacturer FTE.

Financing for the deal was provided by Mediocredito Italiano (a member of the Intesa Sanpaolo group).

In 2016, Valeo announced its takeover of FTE Automotive for EUR 819 million, but the European Commission expressed doubts on the deal, leading to the company's decision to make the deal with Raicam. In 2017 the company's passive hydraulic actuation division reportedly achieved revenues of EUR 70 million, with a EUR 7.7 million EBITDA. It has about 400 employees, including patents and production sites in Mondovi (Italy), Gemlik (Turkey), and Nanjing (China).

Raicam is based in Manoppello, Italy, and produces and manufactures brake pads, drum brake pads, and brake shoes for Oem, Oes, and after market for cars, commercial vehicles, and trucks. Production is carried out in three factories in Italy and two others in England and India. According to a Raicam press release, "by integrating the division acquired in its organization, [the company] will have the capabilities and the resources to manufacture the entire clutch and actuation system, to provide customers with a faster and integrated service and to facilitate the industrialization of the active hydraulic actuators, developing innovative products and systems that can contribute to the re-

duction of CO2 emissions in the automotive industry."

The Turunc team consisted of Partner Kerem Turunc and Attorneys Nilay Enkur, Grace Maral Burnett, Beste Yildizili, and Gozde Kiran.

Italy's Studio Legale Gullo & Associati advised the buyers.

## TURUNÇ

### Schoenherr Advises Alpiq on Sale of Industrial Business to Bouygues Construction



Schoenherr has advised Alpiq Group, a Swiss energy services provider and electricity producer, on the CHF 850 million sale of its industrial business to French building company Bouygues Construction.

Schoenherr assisted Alpiq in Austria, the Czech Republic, and Romania. The transaction is subject to customary conditions including the approval by the relevant antitrust authorities in the EU and Switzerland. Closing is expected in the second half of 2018.

Lausanne-based Alpiq is listed on the Swiss SIX exchange and employs around 8,500 staff. Bouygues Construction is a France-based global construction company which designs, builds, and operates projects in the sectors of building, infrastructure, and industry. According to Schoenherr, "owing to the transaction, Bouygues Construction stands to become a benchmark player in energy and services in Europe."

The Alpiq international legal team was led by Switzerland's Homburger firm, with Gleiss Lutz providing advice on aspects of German law.

# ACROSS THE WIRE: DEALS SUMMARY

Date covered	Firms Involved	Deal/Litigation	Value	Country
22-Mar	Act (WMWP)	Act Legal Austria supported T-Matix with the successful closing of a new financing round.	N/A	Austria
23-Mar	Dorda	Dorda advised EGGER Holzwerkstoffe GmbH on a EUR 150 million hybrid bond issue.	EUR 150 million	Austria
23-Mar	Allen & Overy; Clifford Chance; Eisenberger & Herzog; Grüss & Partners; Scherbaum Seebacher; Schindler Attorneys	Eisenberger & Herzog, Schindler Attorneys, and RTPR Allen & Overy acted as counsels for funds managed by Deutsche Private Equity Management III GmbH in the acquisition of the majority of the shares from Austria's VTU Anlagenplanung & Lieferung GmbH and VTU Engineering Deutschland GmbH.	N/A	Austria
26-Mar	Binder Grosswang	Binder Groesswang advised Austrian electricity provider Verbund AG, on the issuance of a green bonded loan, arranged by German bank Helaba Landesbank Hessen-Thuringen.	EUR 100 million	Austria
12-Apr	CMS	CMS advised the Hirmer Group on its acquisition of Travel Charme Hotels & Resorts, a resort and holiday hotel chain in Germany and Austria, from Zurich-based Travel Charme Hotels & Resorts AG.	N/A	Austria
13-Apr	Binder Grosswang	Flick Gocke Schaumburg and Binder Groesswang advised VR Equitypartner GmbH and HOR Technologie GmbH on the acquisition of family-owned company Pichler & Strobl GmbH. The seller, who requested anonymity, was represented by Vavrovsky Heine Marth.	N/A	Austria
19-Apr	Baker McKenzie; Dorda; Latham & Watkins	Dorda worked alongside lead counsel Latham & Watkins in advising Swiss private equity investor Capvis on its acquisition of a majority stake in the Amann Girrbach-Group. Baker McKenzie advised the seller, investment company TA Associates.	N/A	Austria
24-Apr	Baker McKenzie; K&L Gates; Schoenherr	Schoenherr and K&L Gates advised German property investor Art-Invest Real Estate on the acquisition of 390 apartments in Vienna's third district from Premium Immobilien AG and ARE Austrian Real Estate Development GmbH, which were represented by Baker & McKenzie.	N/A	Austria
24-Apr	CMS	CMS and Linklaters advised Credit Suisse (Hong Kong) as the sole bookrunner in connection with the listing of two convertible bonds of South Korean LG Chem on the Vienna Stock Exchange. Cleary Gottlieb acted as international counsel to LG Chem on the bond offering	N/A	Austria
2-May	Eisenberger & Herzog; Hengeller Mueller; Linklaters	Hengeler Mueller and Eisenberger & Herzog advised BAWAG Group AG on all aspects of an AT 1 issuance in the amount of EUR 300 million.	EUR 300 million	Austria



Date covered	Firms Involved	Deal/Litigation	Value	Country
2-May	Binder Grosswang	Working pro bono, Binder Groesswang advised on the creation of a social impact hybrid bond to finance the CAPE 10 social project: a proposed medical treatment center for homeless and socially disadvantaged people initiated by Viennese doctor Siegfried Meryn.	N/A	Austria
4-May	Dorda; Freshfields; Lee & Ko.	Dorda advised the shareholders of the ZKW Group on the EUR 1.1 billion sale of the company to South Korea's LG Corporation and LG Electronics. LG was advised by Freshfields and Lee & Ko.	EUR 1.1 billion	Austria
10-May	Bock Fuchs Nonhoff; Vavrovsky Heine Marth	Vavrovsky Heine Marth advised GalCap Europe on its acquisition of the Vienna Bio Center II and the Vienna Competence Center –May 2018 two offices and a laboratory in Vienna –May 2018 from the German investment company WealthCap, which was advised by Bock Fuchs Nonhoff.	N/A	Austria
15-May	Act (WMWP); Freimuller Obereder Pilz; Herbst Kinsky	WMWP Act Legal advised aws Gruenderfonds in the course of Series A financing for Adverity –May 2018 an Austrian company that specializes in integration and analysis of marketing data. Mangrove Capital Partners, which was involved as a lead investor, was advised by Herbst Kinsky. Freimuller Obereder Pilz advised Adverity in the deal.	EUR 3.2 million	Austria
16-May	Weber Rechtsanwalte; Wolf Theiss	Wolf Theiss advised Raiffeisen-Landesbank Steiermark AG on the issuance of EUR 500 million mortgage-backed bonds under its Bonds and Certificates offering program. The Joint Lead Managers were DZ BANK AG, Deutsche Zentral-Genossenschaftsbank Frankfurt am Main, Erste Group Bank AG, Landesbank Baden-Wuerttemberg, Raiffeisen Bank International AG, and UniCredit Bank AG, advised by Weber Rechtsanwalte.	N/A	Austria
18-May	Binder Grosswang	Binder Groesswang and Willkie Farr & Gallagher advised Ardian on the sale of ESIM Chemicals to an affiliate of Sun European Partners, LLP. The buyer was represented by Sidley Austin and Herbst Kinsky.	N/A	Austria
28-Mar	Djingov, Gouginski, Kyutchukov & Velichkov	Djingov, Gouginski, Kyutchukov & Velichkov succeeded in having a foreign arbitral award on behalf of Sandvik Bulgaria in proceedings held under the auspices of the Vienna International Arbitral Center recognized and enforced in Bulgaria.	N/A	Austria; Bulgaria
26-Apr	Allen & Overy; Boyanov & Co; Freshfields	Freshfields Bruckhaus Deringer and Boyanov & Co. advised Bulgarian telecommunications company Vivacom on the refinancing of its EUR 400 million worth of from a syndicate of more than a dozen financial institutions. The banks were represented by Allen & Overy.	EUR 400 million	Austria; Bulgaria
11-Apr	Schoenherr	Schoenherr advised the Alpiq Group, a Swiss energy services provider and electricity producer, on the CHF 850 million sale of its industrial business to French building company Bouygues Construction.	CHF 850 million	Austria; Czech Republic; Romania
13-Apr	Graf Patsch Taucher; JSK; Majernik & Mihalikova; Misik	JSK, Majernik & Mihalikova, and Graf Patsch Taucher advised ARBES Technologies on its cross-border acquisition of the Slovak software company FINAMIS. The sellers were advised by the Misik law firm.	N/A	Austria; Czech Republic; Slovakia
29-Mar	Brandl & Talos; Ellex (Raidla); Sorainen; Weil, Gotshal & Manges	Sorainen, Weil Gotshal & Manges, and Brandl & Talos advised investment company Novalpina on the public offer by its Odyssey Europe AS subsidiary to acquire all the shares in the listed Estonian gaming group Olympic Entertainment Group from Hansa Assets OU and Hendaya Invest OU. Ellex Raidla advised the sellers.	N/A	Austria; Estonia; Latvia; Lithuania
26-Mar	Wolf Theiss	Wolf Theiss advised Polish state-owned company Towarzystwo Finansowe Silesia sp. z o.o. on the acquisition of a majority stake in Fabryka Kotlow Sefako S.A., a Polish manufacturer of boilers for the power industry, from the state fund MARS Fundusz Inwestycyjny Zamkniety	N/A	Austria; Poland
9-Apr	CMS	CMS advised Green Source and Core Value Capital on the acquisition and development of nine photovoltaic parks in Russia.	N/A	Austria; Russia
17-Apr	Egorov Puginsky Afanasiev & Partners	The Minsk office of Egorov Puginsky Afanasiev & Partners advised Nordic Aviation Capital on its aircraft lease with the national Belarusian airline, Belavia.	N/A	Belarus
14-May	Revera	Revera advised the Croatian Bank for Reconstruction and Development on the financing of the 4G Network – the first Belarusian telecommunication network for Belarusian cloud technologies.	N/A	Belarus
16-May	Revera	Revera assisted with the corporate structuring and preparation of ICO documents needed for the creation of Scorum, a sports media platform based on block chain technology.	N/A	Belarus
16-May	Revera	Revera advised OMA, a wholesale & retail chain of DIY stores, on its expansion and credit negotiations with EBRD.	N/A	Belarus
26-Apr	Sajic	Sajic successfully represented the Krajina Osiguranje Banja Luka insurance company against a claim of unjust enrichment brought by RK BOSKA Banja Luka.	EUR 3.2 million	Bosnia and Herzegovina
27-Apr	Sajic	Sajic represented Pavgord d.o.o. Foca in an enforcement procedure against the Clay Factory BIRAC.	EUR 65 million	Bosnia and Herzegovina
22-Mar	Penkov, Markov & Partners	Penkov, Markov & Partners represented BA Glass Bulgaria in a dispute against Toplofikatsia Sofia EAD, a heating producer and supplier for Sofia.	N/A	Bulgaria

Date covered	Firms Involved	Deal/Litigation	Value	Country
30-Mar	Boyanov & Co; Kinstellar	Kinstellar advised DZI on the acquisition of 100% of the shares of Bulgarian insurance company UBB-MetLife. Kinstellar advised UBB on the transfer of its 60% shareholding in UBB-MetLife, while Boyanov & Co advised MetLife on the transfer of its 40% interest.	N/A	Bulgaria
4-Apr	Boyanov & Co; Djingov, Gouginski, Kyutchukov & Velichkov	DGKV advised Thunder Software Technology Co., Ltd., China, on its EUR 31 million acquisition of Bulgarian graphics and imaging technology company MM Solutions. Boyanov & Co. advised Texas Instruments –May 2018 one of the sellers –May 2018 on Bulgarian legal aspects of the sale.	EUR 31 million	Bulgaria
3-May	Djingov, Gouginski, Kyutchukov & Velichkov; Noblex Group	DGKV acted as Bulgarian legal counsel to UniCredit Bank Austria AG and to a syndicate of lenders consisting of UniCredit Bulbank AD, Raiffeisenbank Bulgaria EAD, and Raiffeisenlandesbank Osterreich Aktiengesellschaft for the EUR 100 million facility to Kronospan Bulgaria EOOD. The Noblex Group advised Kronospan.	EUR 100 million	Bulgaria
7-May	Kinstellar	Kinstellar acted as exclusive legal advisor in Bulgaria to the International Hotel Licensing Company S.A.R.L –May 2018 a subsidiary of Marriott International Inc. –May 2018 on the first management agreement for a Marriott hotel in Bulgaria.	N/A	Bulgaria
7-May	CMS; Djingov, Gouginski, Kyutchukov & Velichkov	DGKV advised Polish real estate developer Globe Trade Centre on its acquisition of Mall of Sofia and on obtaining a loan facility from a consortium of the OTP and DSK banks to finance up to 65% of the market value of the asset, and W&I insurance and title insurance. CMS Cameron McKenna in Bulgaria advised Europa Capital on its sale of the Mall of Sofia, and CMS Reich-Rohrwig advised the banking consortium.	N/A	Bulgaria
26-Mar	Allen & Overy; BDK Advokati; Boyanov & Co; Latham & Watkins; Karanovic & Nikolic; Schoenherr; White & Case;	Latham & Watkins and Schoenherr advised Telenor on its agreement to sell its assets in Central and Eastern Europe to the PPF Group for EUR 2.8 billion. White and Case (as lead counsel) and Karanovic & Nikolic advised PPF Group on the deal. Allen & Overy, BDK Advokati, and Boyanov & Co. advised Societe Generale, as agent, and a syndicate of banks on a EUR 3.05 billion credit facility provided to PPF Group for the acquisition.	EUR 3.05 billion	Bulgaria; Czech Republic; Hungary; Montenegro; Serbia
10-May	Allen & Overy; Boyanov & Co; Gedik Eraksoy; Kocian Solc Balastik; Linklaters; Paksoy; Tsvetkova Bebov Komarevski	Kocian Solc Balastik, Linklaters, BLC Law Office, Paksoy, and Tsvetkova Bebov Komarevski acted as legal counsels to Energo-Pro a.s. in its EUR 250 million Eurobond issue in London. The Joint bookrunners and the trustee were advised by Allen & Overy, Tbilisi-based BGI Legal, Boyanov & Co. in Sofia, and Istanbul's Gedik & Eraksoy.	EUR 250 million	Bulgaria; Czech Republic; Turkey
28-Mar	Kocian Solc Balastik; PWC Legal	A consortium of Kocian Solc Balastik, PWC Legal Germany, PWC Legal Czech Republic, and Heuking Kuhn Luer Wojtek won a tender to advise the European Global Navigation Satellite Systems Agency on public procurement law, competition law, and contract management issues.	N/A	Czech Republic
29-Mar	Bpv Braun Partners	BPV Braun Partners advised Immofinanz on the sale of the Brno Business Park office buildings via a share deal to the Infond investment fund.	N/A	Czech Republic
6-Apr	Dunovska & Partners	Dunovska & Partners advised Serge Grimaux, a promoter of the Rolling Stones concert in Prague, on securing financing for the concert's costs, as well as on negotiating and executing contracts with financing partner Bestsport, with Rolling Stones management, and with other partners and service providers.	N/A	Czech Republic
6-Apr	Mikulas & Partners; Randa Havel Legal	Randa Havel Legal represented the owners of Astratex in the sale of the majority of their stake in the company to the Hartenberg Holding investment group, which is owned by Czech Prime Minister Andrej Babis. Hartenberg Holding was advised by Mikulas & Partners.	N/A	Czech Republic
11-Apr	Clifford Chance	Clifford Chance advised CPI Property Group on its acquisition of the Futurum Hradec Kralove shopping center from Meyer Bergman, a privately held real estate investment management firm. Meyer Bergman was represented by Tomsa & Spol.	N/A	Czech Republic
24-Apr	Kinstellar	Kinstellar advised Canada's Canopy Growth Corporation, a diversified cannabis and hemp company, on the acquisition of Czech medical cannabis company Annabis Medical.	CAD 2 million	Czech Republic
2-May	Dvorak Hager & Partners; Rohrich	Dvorak Hager & Partners represented Algotech in the purchase of a 100% ownership interest in SugarFactory s.r.o. The sellers were represented by the Rohrich law firm.	N/A	Czech Republic
10-May	CMS	CMS Prague advised the New-Zealand listed Scott Group on its acquisition of Alvey, a specialist provider of palletizing, conveying, and warehouse automation. Alvey was represented by Liska & Sobolova.	N/A	Czech Republic
14-May	Latham & Watkins; White & Case	White & Case advised cybersecurity provider Avast on its USD 816.6 million initial public offering. The joint bookrunners –May 2018 UBS, MS, BAML, Jeffries, Credit Suisse, Key Banc, and Barclays –May 2018 were represented by Latham & Watkins.	USD 816.6 million	Czech Republic
15-May	Weinhold Legal	Weinhold Legal advised Zdenek Rinth on the sale of 90% of Kara Trutnov a.s. shares to the C2H group, which belongs to Czech investor Michal Micka. Rinth retains the remaining 10%.	N/A	Czech Republic



Date covered	Firms Involved	Deal/Litigation	Value	Country
17-May	Schoenherr; Weil, Gotshal & Manges	Schoenherr Prague advised EVO Payments International on the creation of a long-term strategic alliance with Moneta Money Bank for payment acceptance services to the bank's retail customers. Weil, Gotshal & Manges advised Moneta Money Bank on the deal.	N/A	Czech Republic
17-May	Clifford Chance; Wilsons	Clifford Chance advised the Cromwell Property Group on its entrance into a strategic partnership with Linkcity to invest in the roll-out of a portfolio of logistics and light industrial assets in Central and Eastern Europe. Linkcity was advised by Wilsons.	N/A	Czech Republic
2-May	CMS; Freshfields; Kirkland & Ellis	CMS and Freshfields advised global private equity firm Cinven on the acquisition of Partner in Pet Food, a European pet food manufacturer, from Pamplona Capital Management. Kirkland & Ellis advised Pamplona on the sale.	N/A	Czech Republic; Hungary
11-May	CMS	CMS Prague advised private equity-backed Waterlogic, a designer, manufacturer, distributor, and servicer of purified drinking water dispensers, on the acquisition of Lux Aqua Czech s.r.o. and Lux Aqua Hungaria Kft. The sellers reportedly were represented by Hogan Lovells.	N/A	Czech Republic; Hungary
10-May	Freshfields; Lakatos, Kovacs & Partners; Slaughter And May	Slaughter and May advised Vodafone on its acquisition of Liberty Global's operations in Germany, the Czech Republic, Hungary, and Romania. Vodafone was advised by Lakatos, Kovacs and Partners on Hungarian legal aspects of the acquisition. Liberty Global was represented by Freshfields, with US support from Ropes & Gray.	EUR 18.4 billion	Czech Republic; Hungary; Romania
9-May	Squire Patton Boggs	Squire Patton Boggs successfully defended the Republic of Kosovo against a EUR 380 million investment treaty claim brought by German investor ACP Axos Capital GmbH.	EUR 380 million	Czech Republic; Kosovo
29-Mar	Allen & Overy	Allen & Overy advised the EBRD and ING Bank Romania on a EUR 96 million financing for CTPark Bucharest – May 2018 a logistics park located on the A1 Bucharest-Pitesti motorway, owned by CTP Group.	EUR 96 million	Czech Republic; Poland; Romania
25-Apr	Clifford Chance; Herbert Smith Freehills; Wolf Theiss	Wolf Theiss and Herbert Smith Freehills advised French media and publishing group Lagardere on the EUR 73 million sale of its central European radio businesses to Czech Media Invest. Clifford Chance advised Czech Media Invest on the acquisition.	EUR 73 million	Czech Republic; Poland; Romania; Slovakia
22-Mar	Cobalt; Ellex (Raidla)	Ellex Raidla advised pension funds managed by AS LHV Varahaldus and Swedbank Investeeringimisfondid AS on their EUR 25 million investment in the bonds of Alexela Tanklad OU to finance the purchase of the Euro Oil petrol station chain. Alexela Tanklad OU was advised by Cobalt.	EUR 25 million	Estonia
26-Mar	Ellex (Raidla); Sorainen	Ellex Raidla advised BaltCap and Unimed Clinics on the purchase of the Eurodent Dental Clinic from Kristjan Gutmann, who was advised by Sorainen.	N/A	Estonia
26-Mar	Cobalt	Cobalt advised BPM Mezzanine Fund on its backing of the acquisition of 100% of DenEesti OU by an unidentified buyer.	N/A	Estonia
4-Apr	Cobalt; Derling	Cobalt advised Hamburger Hafen und Logistik AG on its acquisition of Estonian terminal operator Transiidikeskuse AS from Kantauro OU, which was represented by Derling.	N/A	Estonia
6-Apr	TGS Baltic	TGS Baltic advised Eesti Uhistukapital on its acquisition of a 5% stake in Coop Pank from Inbank.	N/A	Estonia
6-Apr	Njord	Njord assisted Kopikas Entertainment OU in its successful application for a permit to organize remote gambling.	N/A	Estonia
11-Apr	Applex Attorneys; JV Lakiasiat; Njord	Njord, working with Finland's Applex Attorneys, advised AQ Group AB on its acquisition of 100% of the shares of Mecanova Oy from Nivala, Finland, and its Mecanova OU subsidiary in Estonia. JV Lakiasiat advised the Mecanova shareholders on the sale.	N/A	Estonia
3-May	Sorainen	Sorainen advised Baltic Horizon Fund, managed by Northern Horizon Capital, on its issuance of five-year unsecured bonds.	EUR 30 million	Estonia
4-May	TGS Baltic	TGS Baltic has assisted Cryptus in obtaining virtual currency handling authorization from Estonia's Financial Intelligence Unit to provide services exchanging a virtual currency against a fiat currency as well as virtual currency wallet services.	N/A	Estonia
7-May	Sorainen	Sorainen Estonia advised Estonian electricity and gas transmission system operator Elering on its EUR 225 million Eurobond issue.	EUR 225 million	Estonia
14-May	Cobalt	Cobalt advised Estonian-based asset management service provider AS Kawe Kapital on obtaining a license to operate as an investment firm from the Estonian Financial Supervision Authority.	N/A	Estonia
15-May	Eversheds Sutherland; TGS Baltic	TGS Baltic advised EstateGuru on the establishment of its first institutional credit line with Germany's Varengold Bank AG. The bank was represented by Eversheds Sutherland.	N/A	Estonia
18-May	Cobalt	Cobalt advised Estonian software company Helmes AS on its launch of an option program that will enable 70 of its employees to become shareholders of the company.	N/A	Estonia

Date covered	Firms Involved	Deal/Litigation	Value	Country
4-May	TGS Baltic	TGS Baltic advised Swedish company Bergs Timber on its acquisition of Vika Wood and Byko-lat (Latvia), EWP AS and Laesti AS (Estonia), and Norvik Shipping (United Kingdom) from Icelandic Norvik hf.	N/A	Estonia; Latvia
21-Mar	TGS Baltic	TGS Baltic advised joint bookrunners Dom Maklerski PKO Banku Polskiego, Swedbank, and Trigon Dom Maklerski on the IPO of Baltic tour operator AB Novaturas in Lithuania and Estonia.	N/A	Estonia; Lithuania
29-Mar	Watson Farley & Williams; White & Case	White & Case advised Energean on a USD 180 million reserve-based lending facility in relation to its Greek assets provided by the EBRD, the Black Sea Trade Development Bank, Romanian Ex-Im Bank, Banca Comerciala Intesa Sanpaolo Romania, and HSBC (acting as agent and security agent). Watson Farley & Williams advised the lenders on financing designed for the development of the Prinos Basin offshore of Greece. The new facility is an amendment, restatement, and extension to an existing USD 75 million facility granted to Energean by the EBRD in 2016.	USD 180 million	Greece
21-Mar	EY Law	Solo practitioner Andrea Zsuzsanna Kovacs advised Austrian investor List Group on the sale of its Austria House office building to a Hong Kong-based company backed by overseas investors. The buyers were advised by EY Law Hungary.	N/A	Hungary
21-Mar	Kovacs Reti Szegheo; Oppenheim	KRS Kovacs Reti Szegheo successfully represented the liquidator of Buda-Cash against Saxo Bank in the Metropolitan Regional Court in Hungary. Saxo Bank was advised by Oppenheim.	N/A	Hungary
26-Mar	Cerha Hempel Spiegelfeld Hlawati; Hogan Lovells	CHSH advised GalGap Europe on its acquisition of a mixed-purpose property named "Central Udvar" in the heart of Budapest that is administered on behalf of a separate account for a German pension scheme by Institutional Investment Partners. Partos & Noblet in cooperation with Hogan Lovells advised the seller.	N/A	Hungary
16-Apr	Lakatos, Koves & Partners	Lakatos, Koves & Partners advised Waberer's throughout the buyout of its minority partner, Lorand Szemerey. Szemerey was represented by the Botos Law Office.	N/A	Hungary
17-Apr	HBK Partners; Sarhegyi And Partners	HBK Partners advised MKB Bank on the sale of its non-performing retail mortgage loan portfolio, secured mostly by residential mortgages, to MKK Hungarian Debt Management Company. Sarhegyi and Partners advised MKK Zrt. on the acquisition.	EUR 300 million	Hungary
2-May	HBK Partners; Kertesz And Partners; Lakatos, Koves & Partners	HBK Partners and Kertesz & Partners advised Status Power Invest Zrt. on its acquisition of an additional 36% stake in Matrai Power Plant from EP Power Europe A.S., a Czech energy holding company. The seller was represented by Lakatos, Koves & Partners.	N/A	Hungary
7-May	Sar & Partners	Sar & Partners represented Herend Porcelain Manufactory in litigation against ZARA Home Ltd. on intellectual property rights related to an alleged infringement of the Herend Porcelain Manufactory collection.	N/A	Hungary
14-May	Hogan Lovells; Partos & Noblet	Partos & Noblet in co-operation with Hogan Lovells advised KPMG Global Services on negotiations for a new lease agreement for space in the Advance Tower Office Buildings on the Vacı corridor in Budapest. The landlord, Futureal, was advised by solo practitioner Roland Jabronka.	N/A	Hungary
28-Mar	Cobalt; Glimstedt	Cobalt advised John Joseph McDermott on the sale of the Latvian American Eye Center to the MFD Healthcare Group. Glimstedt represented SIA Dziedings, the owner of the MFD health group, on the acquisition.	N/A	Latvia
16-Apr	Sorainen	Sorainen advised mobile telecommunications operator BITE Latvija on its acquisition of Stream Networks and its LATNET Serviss subsidiary.	N/A	Latvia
19-Apr	Cobalt	Cobalt represented AS Cits Medijs pro bono in a trademark dispute with SIA Zurnals Ir Nauda involving the registration of the "Ir Nauda" mark.	N/A	Latvia
7-May	TGS Baltic	TGS Baltic assisted Overkill Venture AIFP acquire the status of a registered alternative investment manager and with the registration of the Overkill Ventures Fund I and Overkill Ventures Fund II funds.	N/A	Latvia
4-May	Sorainen	Sorainen advised the Marketing Investment Group on its acquisition of more than ten stores in Lithuania and Latvia from retailer Bogvila. The seller was represented by SGKA Legal.	N/A	Latvia; Lithuania
22-Mar	Motieka & Audzevicius	Motieka & Audzevicius defended the interests of Uzstato Sistemos Administratorius, a public non-profit deposit system administration institution, in a contractual dispute before the Court of the Appeals in Lithuania.	N/A	Lithuania
22-Mar	Sorainen	Sorainen Lithuania advised satellite manufacturer NanoAvionics on securing an investment from Avellan Space Technology & Science to support the expansion of the company's global operations.	N/A	Lithuania
3-Apr	Sorainen	Sorainen advised Valyuz on establishing a company in Lithuania and obtaining an e-money institution license from the Bank of Lithuania.	N/A	Lithuania
4-Apr	Tvins; ZRG	Tvins advised Easy Debt Service on a EUR 95 million loan portfolio purchase from the bankruptcy administrator of four credit unions: Vilniaus Taupomoji Kasa, Nacionaline Kredito Unija, Laikinosios Sostines Kreditas, and Svyturio Taupomoji Kasa. The seller was represented by ZRG.	EUR 95 million	Lithuania



Date covered	Firms Involved	Deal/Litigation	Value	Country
9-Apr	Sorainen	Sorainen successfully represented former board members of Investment and Business Guarantees – a company subordinate to the Lithuanian Ministry of Economy □ in a case concerning a bonus payment to a former manager of the company.	N/A	Lithuania
9-Apr	Glimstedt; Sorainen	Sorainen advised Henkell & Co.-Gruppe, a Germany-based international producer and distributor of alcoholic beverages that belongs to the Oetker Group, on the acquisition of a majority stake in Filipopolis, an importer and distributor of alcoholic drinks in Lithuania. Glimstedt advised Filipopolis on the deal.	N/A	Lithuania
24-Apr	Spc Legal	SPC Legal advised the GATAS Group on its acquisition of 99.74% of shares in JSC Zemaitijos Keliai, a Lithuanian company that carries out civil engineering work.	N/A	Lithuania
25-Apr	TGS Baltic	TGS Baltic advised Koinvesticinis Fondas on its investment in UAB Gusania.	N/A	Lithuania
26-Apr	TGS Baltic	TGS Baltic advised KS Investicija on its acquisition of 100% of Vilijos Parkas from the Ogmios Grupe.	N/A	Lithuania
27-Apr	TGS Baltic	TGS Baltic advised the four investors in Apex Holding Limited on shareholders' and investment agreements related to its indirect management of Romanian companies that will be developing a four-hotel complex in Bucharest.	N/A	Lithuania
14-May	Cobalt	Cobalt advised Wallter in obtaining an electronic money institution license for non-limited activity.	N/A	Lithuania
15-May	Ellex (Valiunas)	Ellex Valiunas assisted both Urban Inventors and the Lithuanian branch of the US-information technologies company Intermedix on a lease agreement between the two in Kaunas, Lithuania.	N/A	Lithuania
16-May	Tvins	Tvins successfully represented the interests of the BTA Baltic Insurance Company in a dispute.	N/A	Lithuania
6-Apr	Bird & Bird; White & Case	Bird & Bird advised a joint venture of two private Lithuanian energy groups, E-Energija and Sun Investment Group, on the acquisition of a 42 MWp portfolio of solar projects. The seller, Polish solar developer R.Power Renewables, was represented by White & Case.	N/A	Lithuania; Poland
8-May	Motieka & Audzevicius	Motieka & Audzevicius assisted Serbian state company JP Srbijagas secure enforcement of four ICC and VIAC awards in the Republic of Lithuania against the Lithuanian corporation Arvi.	EUR 50 million	Lithuania; Serbia
10-May	Sorainen	Sorainen advised Nordcurrent, a Baltic game development studio, on its acquisition of Blam! Games Studios, a Ukrainian game development and animation studio.	N/A	Lithuania; Ukraine
6-Apr	Tuca Zbarcea & Asociatii; Turcan & Cazac	Tuca Zbarcea & Asociatii and Turcan Cazac advised Eurotransgaz SRL, a company established by Transgaz in Chisinau, on the full acquisition of S.E. Vestmoldtransgaz, a company that manages the Moldovan side of the Iasi-Ungheni gas transmission pipeline, from the Public Property Agency of the Republic of Moldova.	N/A	Moldova; Romania
26-Mar	Dragoljub Dukanovic Law Office; Harrison; Reed Smith; Kinstellar	Harrison and Reed Smith advised the EBRD on a EUR 20 million loan to support the development of the Port of Bar, the main Montenegrin sea port. Kinstellar, working with the Dragoljub Dukanovic Law Office as special Montenegrin counsel, advised the Port of Adria (the borrower), Global Port Holding Plc (the guarantor) and Global Liman Isletmeleri A.S. (the shareholder of the borrower) on the financing.	EUR 20 million	Montenegro
21-Mar	Dentons; Linklaters	Denton Warsaw advised Skanska on the EUR 52 million sale of the Nowa Fabryczna office building in Lodz, Poland to fund manager Niam. The buyer was assisted by Linklaters.	EUR 52 million	Poland
22-Mar	Chajec, Don-Siemion & Zyto; Dentons	Chajec, Don-Siemion & Zyto advised Nevu Sp. z o.o. on the acquisition of Eubioco S.A., a producer of pharmaceuticals and dietary supplements, from Pelion S.A. Pelion was advised by Dentons.	N/A	Poland
26-Mar	Clifford Chance; Dentons	Dentons advised Statoil Group on the acquisition of 50% of shares in two offshore projects from Polenergia. Polenergia was advised by Clifford Chance.	N/A	Poland
28-Mar	Eversheds	Wierzbowski Eversheds Sutherland advised the Polish Ministry of Economic Development on the establishment of the Polish Aviation Group, a joint-stock company founded with a capital of PLN 1.2 billion.	PLN 1.2 billion	Poland
28-Mar	Jacek Kosinski Adwokaci i Radcowie Prawni	Jacek Kosinski Adwokaci i Radcowie Prawni advised Bank Zachodni WBK Santander Group on financing in excess of PLN 40 million granted an unnamed joint stock company for the purchase of its own shares for the release and inflow of working capital.	PLN 40 million	Poland
29-Mar	Kurzynski Lyszyk Wierzbicki	The Kurzynski Lyszyk Wierzbicki law firm advised Polish start-up Szumisie sp. z o.o. and its German partner Daglo Vertriebs GmbH in a cross-border consolidation of business entities.	N/A	Poland
3-Apr	CMS	CMS advised Polski Fundusz Rozwoju on the planning for a new power unit with a capacity of 910 MW to be constructed at the Jaworzno Power Plant, which is owned by the Tauron Group. The Tauron Group was advised by DZP.	N/A	Poland
3-Apr	Linklaters	Linklaters advised Panattoni Europe, a branch of the Panattoni Development Company, on the construction of the largest parcel distribution center for the GLS Poland courier company.	N/A	Poland
4-Apr	Greenberg Traurig; K&L Gates	Greenberg Traurig advised OTB Ventures on a seed funding transaction relating to Cosmose Inc., an American company specializing in new technologies. Cosmose was represented by K&L Gates.	N/A	Poland

Date covered	Firms Involved	Deal/Litigation	Value	Country
6-Apr	DLK Legal	DLK Legal advised Polish company England.pl on the acquisition of Gadu-Gadu, a Polish instant messaging platform, from Xevin Consulting Limited.	N/A	Poland
11-Apr	Argon Legal; Dentons	Argon Legal advised HB Reavis on the lease of the Varso 2 office building in Warsaw to the Cambridge Innovation Center. Dentons advised the lessee.	N/A	Poland
11-Apr	Act (BSWW)	Act BSWW advised ECC Real Estate Sp. z o.o., a developer of the Nowa Stacja shopping center in Pruszkow, on financing it received from Bank Gospodarstwa Krajowego.	N/A	Poland
11-Apr	Crido Legal; Noerr; Weil, Gotshal & Manges	Noerr advised Work Service S.A. on the PLN 178.6 million sale of all its shares in Exact Systems companies to funds managed by Cornerstone Partners and Oaktree Capital Management. Crido Legal assisted Exact Systems Management Board members Leslaw Walaszczyk and Pawel Gos, and Weil, Gotshal and Manges office advised both Cornerstone Partners and Oaktree Capital Management on the acquisition.	PLN 200 million	Poland
12-Apr	Allen & Overy; Clifford Chance	Clifford Chance advised Credit Agricole CIB/Credit Agricole Bank Polska S.A. on a refinancing facility for Multimedia Polska S.A. Allen & Overy represented Multimedia Polska.	EUR 515 million	Poland
12-Apr	Greenberg Traurig	Greenberg Traurig advised BNP Paribas Group on its acquisition of the core banking operations of Raiffeisen Bank Polska from Raiffeisen Bank International. RBI was advised by Weil, Gotshal & Manges on the transaction.	PLN 3.25 billion	Poland
16-Apr	SSW Pragmatic Solutions	SSW Pragmatic Solutions advised Ten Square Games S.A., a producer and developer of mobile and browser games in Poland, on its preparation of a prospectus for approval by Poland's Financial Supervision Commission.	N/A	Poland
19-Apr	Noerr; White & Case	Noerr advised PFR Life Science, a subsidiary of the Polish Development Fund, on its PLN 38.3 million investment in Mabion S.A., a biotechnology company in Poland. Mabion was represented by White & Case.	PLN 38.3 million	Poland
20-Apr	Dentons; Linklaters	Dentons advised Skanska on the sale of the Wroclaw Green2Day office building to Niam. The buyers were advised by Linklaters.	N/A	Poland
23-Apr	Act (BSWW); Michalowski Stefanski	Act BSWW advised the CPI Property Group on its acquisition of five Polish retail parks from Polish developer Katharsis Development. The Michalowski Stefanski law firm advised Katharsis Development on the sale.	N/A	Poland
26-Apr	Magnusson	Magnusson advised ImmoPol on its entrance into a contract with Warbud S.A. for the first stage of construction of an office building in the center of Warsaw.	N/A	Poland
26-Apr	CMS; Greenberg Traurig	CMS advised Maxima Grupe UAB on the acquisition of 100% of the shares in Emperia Holding S.A., the owner of the Stokrotka supermarket chain. Greenberg Traurig advised Emperia Holding on the sale.	N/A	Poland
26-Apr	Smm Legal	SMM Legal advised the Polish National Centre for Science and Research on a project designed to boost the development of the electric transportation sector in Poland.	PLN 2 billion	Poland
8-May	Rkkw Law Office	The RKKW Law Office successfully represented Warsaw-based Emperia Holding SA in proceedings initiated by one of the company's minority shareholders to preclude Emperia from enforcing a resolution concerning changes to its articles of incorporation.	N/A	Poland
9-May	Dentons; Greenberg Traurig	Greenberg Traurig advised Madison International Realty on the acquisition of 50% of the Warsaw Spire A office building and on signing a joint-venture agreement with the seller, Ghelamco Group, which was represented by Dentons.	N/A	Poland
14-May	Chajec, Don-Siemion & Zyto	CDZ advised Parkdema UAB, an SPV of the Lithuanian-based Energy and Infrastructure SME Fund managed by Lords LB Asset Management, on its acquisition of a 100% stake in City Parking Group S.A. from, among others, Royalton Partners.	N/A	Poland
16-May	SSW Pragmatic Solutions	SSW Pragmatic Solutions advised Ten Square Games S.A. on its debut at the Warsaw Stock Exchange.	PLN 94 million	Poland
18-May	Brockhuis Jurczak Prusak Sroka Nilsson	Brockhuis Jurczak Prusak Sroka Nilsson advised Schnee Polska Sp. z o.o. on the construction of a manufacturing plant in Sieradz, Poland, on the territory of the Lodz Special Economic Zone.	EUR 15 million	Poland
18-May	Kwasnicki, Wrobel & Partners	RKKW Kwasnicki, Wrobel & Partners successfully represented Emperia Holding SA in proceedings initiated by minority shareholder Eurocash contesting a resolution relating to a change of one of the provisions of its articles of incorporation.	N/A	Poland
21-May	Act (BSWW)	Act BSWW advised GPRE Management Sp. z o.o., on the process of preparing and negotiating agreements related to the implementation of SAP Business One software.	N/A	Poland
20-Apr	CMS	CMS advised ING in connection with a USD 30 million loan to the Astarta Group, a sugar and agricultural production and an industrial milk producer company in Ukraine, for its export operations.	USD 30 million	Poland; Ukraine
22-Mar	Musat & Asociatii	The criminal law team of Musat & Asociatii won a case before Romania's High Court of Cassation and Justice involving client Ludovic Orban, the chairman of the main opposition party, who had been accused of using his influence to obtain undue advantage by the Romanian National Anticorruption Directorate.	N/A	Romania



Date covered	Firms Involved	Deal/Litigation	Value	Country
26-Mar	Suciu Popa	Suciu Popa successfully represented Hidroelectrica, an electricity production and technological services provider in Romania, in two complex court cases involving claims of over EUR 2 million made by an equipment provider.	EUR 2 million	Romania
26-Mar	Allen & Overy; Pelifilip	Pelifilip assisted the majority shareholder of the Romanian companies EcoPack and Ecopaper with the sale of its shares to the British group DS Smith. Allen & Overy advised DS Smith on the deal.	N/A	Romania
29-Mar	Popovici Nitu & Asociatii Stoica	Popovici Nitu & Asociatii Stoica provided legal advice to a nature documentary movie project named "Untamed Romania," which had its Romanian premiere at the Bucharest National Theater on March 21, 2018.	N/A	Romania
5-Apr	Mitel & Partners; Reff & Associates	Reff & Associate –May 2018 the Romanian office of Deloitte Legal –May 2018 advised the Halewood Group on the sale of its wine production and distribution operations to the Alexandrion Group. Alexandrion was advised by Mitel & Partners.	N/A	Romania
11-Apr	Suciu Popa	Suciu Popa successfully represented Monsson Trading in enforcement proceedings against the ING Bank.	N/A	Romania
13-Apr	Nestor Nestor Diculescu Kingston Petersen	Nestor Nestor Diculescu Kingston Petersen represented Azomures, a Romanian fertilizer producer, in a commercial dispute against private railway company Grup Feroviar Roman.	EUR 15 million	Romania
24-Apr	Allen & Overy	RTPR Allen & Overy advised a syndicate of banks made up of ING Bank N.V., Banca Comerciala Romana, Raiffeisen Bank SA, and UniCredit Bank SA in relation to a credit facility of USD 360 million granted to KMG International.	USD 360 million	Romania
2-May	Tuca Zbarcea & Asociatii	Tuca Zbarcea & Asociatii advised Peeraj Brands International on the EUR 33 million sale of a 100% stake in Shoe Express S.A. to Polish footwear retailer CCC.	EUR 33 million	Romania
2-May	CEE Attorneys	CEE Attorneys advised venture capital fund Sparking Capital in signing a seed investment contract with Romanian toy company Evertosy.	N/A	Romania
9-May	Allen & Overy; Wolf Theiss	RTPR Allen & Overy advised Autonom Services on the acquisition of BT Operational Leasing, an operational leasing company currently owned by the Banca Transilvania Group. BT was represented by Wolf Theiss.	n/a	Romania
18-May	Deloitte Legal; Kinstellar; Reff & Associates	Reff & Associates –May 2018 the Bulgarian member of Deloitte Legal –May 2018 advised MAS Real Estate on its acquisition of the Militari Shopping Center in Bucharest from Atrium European Real Estate. Atrium was advised by Kinstellar Romania.	EUR 95 million	Romania
21-Mar	Goltsblat BLP; White & Case	Goltsblat BLP advised Otkrytaya Mobilnaya Pitaforma LLC and RUSINTEH on the sale of 75% of shares of Otkrytaya Mobilnaya Pitaforma and 75% of shares of Vatron LLC respectively to PJSC Rostelecom. Rostelecom was advised by White & Case's Moscow office.	N/A	Russia
17-Apr	Pepeliaev Group	The Pepeliaev Group won three tenders to provide Gazprom PJSC general legal and consulting services, audits in relation to taxes and social security contributions, and representation before state and judicial authorities.	N/A	Russia
4-May	Bryan Cave Leighton Paisner	Bryan Cave Leighton Paisner successfully represented mobile operator VimpelCom in a dispute with the Russian Federal Antimonopoly Service over changes to B2B SMS service tariffs.	N/A	Russia
8-May	Egorov Puginsky Afanasiev & Partners	Egorov Puginsky Afanasiev & Partners represented publicly owned joint-stock company Alviz, subsidiary to the Beluga Group, in an intellectual property rights dispute against LLC Shampanskiye Vina.	N/A	Russia
14-May	Bryan Cave Leighton Paisner; S & K Vertical	Bryan Cave Leighton Paisner represented the interests of Double LLC in a dispute with the social network VKontakte over the use of open data from a social network. VKontakte was represented by S&K Vertical.	N/A	Russia
15-May	White & Case	White & Case advised VTB Bank on a secured term loan provided to Russian retail chain PJSC M.video for the acquisition of shares in Russian retail chain Eldorado.	N/A	Russia
13-Apr	Cleary Gottlieb Steen & Hamilton; Norton Rose Fulbright; Sayenko Kharenko	Sayenko Kharenko acted as Ukrainian legal counsel to Anheuser-Busch InBev S.A./N.V., and SUN InBev Ukraine in relation to the combination of the Russian and Ukrainian businesses and assets of AB InBev and Anadolu Efes Biracilik ve Malt Sanayii AS and the creation of a joint venture. Cleary Gottlieb Steen & Hamilton acted as AB InBev's Global Counsel, while Efes was represented by Norton Rose Fulbright.	N/A	Russia; Ukraine
11-Apr	Zivkovic Samardzic	Zivkovic Samardzic successfully represented Titan, an international cement and building materials producing group headquartered in Athens, in a dispute with former minority shareholders of Cementara Kosjeric, the group's Serbian subsidiary, relating to the 2009 squeeze-out of minority shareholders.	N/A	Serbia
11-Apr	BDK Advokati	BDK Advokati assisted India's Tractors and Farm Equipment tractor producer on the acquisition of the assets of IMT Beograd –May 2018 including the trademarks and the location for the development of a new production plant –May 2018 in bankruptcy.	N/A	Serbia
18-Apr	BDK Advokati	BDK Advokati represented journalist Slobodan Georgiev in a case against the publisher and the editor-in-chief of the Informer, a daily Serbian newspaper.	N/A	Serbia

Date covered	Firms Involved	Deal/Litigation	Value	Country
24-Apr	Harrisons	Harrisons provided Serbian legal advice and Norton Rose Fulbright provided English law advice to the EBRD in relation to an Issuing Bank Agreement and Revolving Credit Agreement with Addiko Bank ad Beograd.	N/A	Serbia
24-Apr	JPM Jankovic Popovic Mitic	JPM advised Raiden Resourced Limited, a publicly listed Australian mining company, on the process of raising additional funds to explore and develop its future mining projects through the acquisition of Australia's Timok Resources – May 2018 the parent company of Serbian companies Kingstown Resources and Skarnore Resources. Australian law firm Bellanhouse advised Raiden Resourced Limited on Australian aspects of the deal.	N/A	Serbia
3-May	Zivkovic Samardzic	Zivkovic Samardzic advised the joint-stock public company that owns and operates the Belgrade Nikola Tesla Airport on its share capital increase through contribution of 28 real estate properties owned by its majority shareholder, the Republic of Serbia.	N/A	Serbia
8-May	Bojovic & Partners	Bojovic & Partners provided local merger clearance assistance to Nestle with regards to the USD 2.8 billion cash sale of its US confectionary business to Ferrero. Davis Polk and Wardwell served as advisors to Ferrero.	USD 2.8 million	Serbia
9-May	Bojovic & Partners	Bojovic & Partners advised Nestle on the sale of its local confectionary brand, CIPIRIPI, to Paracinka AD, a member of the Silbo distribution group.	N/A	Serbia
22-Mar	Eisenberger & Herzog; Havel & Partners; Noerr	Eisenberger & Herzog and Noerr Bratislava advised Vienna House on the March 1, 2018 acquisition of Vienna House Easy Bratislava as part of an asset deal from Strabag Real Estate GmbH, which was advised by Havel & Partners.	N/A	Slovakia
28-Mar	Wilson	Wilson represented Reico in its CZK 990 million acquisition of a newly built logistics park in Dubnica nad Vahom, Slovakia, from Invest4See.	CZK 990 million	Slovakia
28-Mar	JSK; Vanko & Vankova	JSK advised Cemex on the sale of its Slovak subsidiaries, Kamenolomy CMX s.r.o. and Cemex Aggregates Slovakia s.r.o., to CEMMAC a.s. The buyer was represented by Vanko & Vankova.	N/A	Slovakia
3-Apr	Allen & Overy	Allen & Overy advised Slovak Investment Holding, a.s. on its subscription as a lead investor in a Round B share offering for new shares in GA Drilling a.s., a company based in Slovakia that develops technology for well drilling.	N/A	Slovakia
28-Mar	Schoenherr	Schoenherr advised Adriaplin d.o.o., the Slovenian subsidiary of Eni S.p.A., on its acquisition of Mestni Plinovodi d.o.o., a natural gas distribution network operator and gas supplier, from a consortium of sellers consisting of gas distributors Ireti and ACSM-AGAM from Italy and Istrabenz Plini from Slovenia. The sellers' advisor was Bettini Formigaro Pericu.	N/A	Slovenia
30-Mar	Herbert Smith Freehills; Gkc Partners; Paksoy; White & Case	Paksoy and Herbert Smith Freehills advised the underwriters on the IPO and listing on Borsa Istanbul of Enerjisa Enerji A.S. White & Case acted as legal advisor to the issuer as to American and English law, while GKC Partners advised on Turkish law.	N/A	Turkey
6-Apr	Paksoy	Paksoy advised the Akfen Group on agreements to construct and service four wind farms with a total capacity of 242 MW in the Turkish cities of Canakkale and Denizli.	N/A	Turkey
9-Apr	Cleary Gottlieb Steen & Hamilton; Turunc	Turunc and Cleary Gottlieb Steen & Hamilton advised worldwide automotive supplier Valeo on the sale of its passive hydraulic actuation division to Raicam, executed to obtain regulatory clearance for Valeo's planned takeover of German clutch manufacturer FTE. Italy's Studio Legale Gullo & Associati advised the buyers.	N/A	Turkey
16-Apr	Dentons (BASEAK)	BASEAK and Dentons advised Akbank subsidiary Arts Limited on its securitization program.	N/A	Turkey
16-Apr	Dentons (BASEAK)	BASEAK and Dentons advised Entek Elektrik Uretim A.S., a subsidiary of Koc Holding, on its acquisition of the Menzelet and Kilavuzlu hydropower plants from Turkey's Privatization Administration. The lenders of the project, a syndicate of Turkish and international commercial banks and the EBRD, were represented by Clifford Chance and Yegin Ciftci Attorney Partnership.	USD 375 million	Turkey
17-Apr	Dentons (BASEAK)	BASEAK advised Tiryaki Agro Gida Sanayi ve Ticaret A.S., a Turkish agricultural products exporter, on a long-term loan facility of USD 65 million, extended by a syndicate led by Dutch development bank, FMO, the EBRD, and Proparco, which were advised by Hogan Lovells.	USD 65 million	Turkey
26-Apr	Dentons (BASEAK)	Balcioglu Selcuk Akman Keki Attorney Partnership and Dentons advised Isdemir, a member of the Oyak Mining Metallurgy Group, on the incorporation of a joint venture with Linde Group, to build a new air separation unit at the Iskenderun premises of Isdemir.	N/A	Turkey
17-May	Paksoy	Paksoy advised Doktas Metal on the sale of 93.57% shares of Turkish automotive manufacturer Doktas Dokumculuk to Celik Holding.	N/A	Turkey
17-May	Paksoy	Paksoy advised CS Wind, a wind tower manufacturer headquartered in South Korea, on its purchase of 100% shareholding in Ege Tower.	N/A	Turkey
17-May	Paksoy	Paksoy advised Japan's Nippon Yusen on the formation of a joint venture with Oyak, the Turkish military's pension fund, to build a port in northwest Turkey.	USD 110 million	Turkey
22-Mar	Aequo	Aequo represented Dragon Capital before the National Council of Television and Radio Broadcasting of Ukraine regarding its acquisition of Radio-Era TRC, the first nationwide radio station in Ukraine.	N/A	Ukraine



Date covered	Firms Involved	Deal/Litigation	Value	Country
22-Mar	Sayenko Kharenko; White & Case	Sayenko Kharenko acted as Ukrainian legal counsel to Ukreximbank, the state-owned Export-Import Bank of Ukraine, in connection with UAH 4.051 billion (approximately USD 150 million), 16.5% loan participation notes due 2021. On English law, Ukreximbank was advised by White & Case. The joint lead managers for the issue, Citigroup Global Markets Limited and J.P. Morgan Securities, were advised on Ukrainian law by Avellum and on English law by Latham & Watkins.	USD 150 million	Ukraine
23-Mar	CMS	CMS advised ING Bank N.V. as mandated lead arranger and bookrunner on a USD 80 million pre-export finance facility to Vioil – one of the largest producers of vegetable oils in Ukraine.	USD 80 million	Ukraine
26-Mar	Vasil Kisil & Partners	Vasil Kisil & Partners advised Corteva Agriscience, an agricultural division of DowDuPont, on signing a cooperation memorandum with the Poltava Regional State Administration to develop road infrastructure in the Dykanka district of Central Ukraine.	N/A	Ukraine
26-Mar	Baker Mckenzie	Baker McKenzie advised Phoenix-Capital LLC on the multi-tiered sale of the Victoria Gardens shopping center to Dragon Capital.	N/A	Ukraine
28-Mar	Spenser & Kauffmann	Spenser & Kauffmann represented the PJSC Trade Alliance, a wholesale operator, in a dispute over a UAH 6 million VAT budget refund with the Large Taxpayers Office of the State Fiscal Service of Ukraine in the District Administrative Court of Kyiv and before the Court of Appeal.	UAH 6 million	Ukraine
5-Apr	Sayenko Kharenko	Sayenko Kharenko represented the interests of the DF Group companies, including JSC Azot, PJSC Severodonetsk Azot Association, PJSC Rovnoazot, and PJSC Concern Stirol, on an interim review of anti-dumping measures applied to imports into Ukraine of nitrate ammonium originating from the Russian Federation.	N/A	Ukraine
17-Apr	Ilyashev & Partners	Ilyashev & Partners represented the interests of Ukrainian company Poltava Petroleum before the Kharkiv Administrative Court of Appeal.	UAH 154 million	Ukraine
18-Apr	Asters; Dentons	Asters advised China Machinery Engineering Corporation, a Chinese state-owned construction and engineering company, on its agreement with Ukrainian private power producer DTEK for the construction of a solar power plant. DTEK was advised by Dentons.	N/A	Ukraine
23-Apr	Eucon	EUCON International Legal Center defended the interests of Mikogen-Ukraine against Ukraine's State Fiscal Service Authorities in Ukraine's Administrative Court of Appeal.	UAH 2.1 million	Ukraine
24-Apr	Asters	Asters advised the Black Sea Trade and Development Bank on a USD 20 million loan to Concern Galnaftogaz, a Ukrainian petroleum retailer company.	USD 20 million	Ukraine
27-Apr	Ilyashev & Partners	Ilyashev & Partners Law Firm advised Ferrexpo iron ore company on unspecified business activities in Ukraine.	N/A	Ukraine
27-Apr	Asters	Asters advised the Black Sea Trade and Development Bank in connection with its USD 20 million loan to PJSC Concern Galnaftogaz, a Ukrainian chain of gas stations.	USD 20 million	Ukraine
27-Apr	Avellum; Baker Mckenzie	Avellum advised MHP Lux S.A. on its USD 550 million, 8 year, 6.95% Eurobond issue with the benefit of the guarantees from its Ukrainian subsidiaries. The joint lead managers on the transaction, J.P. Morgan Securities plc, the London Branch of ING Bank N.V., and UBS Limited, were represented by the Kyiv office of Baker McKenzie as to Ukrainian law and by Latham & Watkins' London office as to English and American law.	USD 550 million	Ukraine
7-May	Dentons	Dentons advised DTEK Renewables B.V. on the implementation of a project for the construction of a solar power plant with an established capacity of 200 MW in the Nikopol district of the Dnipropetrovsk region in Ukraine.	EUR 230 million	Ukraine
9-May	Kinstellar	Kinstellar acted as Ukrainian counsel to the International Hotel Licensing Company S.a r.l., a subsidiary of Marriott International, in connection with the opening of Aloft Kiev, the first Marriott-managed hotel in Ukraine.	N/A	Ukraine
9-May	Vasil Kisil & Partners	Vasil Kisil & Partners represented Piraeus Bank ICB JSC, a Ukrainian bank with foreign capital, in a bankruptcy case against Ukoinvestbud, a member of the group of companies owned by developer Anatolii Voitsekhovskiy.	UAH 800 million	Ukraine
11-May	Vasil Kisil & Partners	Vasil Kisil & Partners advised Lekhim JSC on the acquisition of a production and warehouse complex in the Kyiv Region of Ukraine.	USD 1 million	Ukraine
14-May	Allen & Overy; Avellum; Clifford Chance; Linklaters; Redcliffe Partners; Sayenko Kharenko	Sayenko Kharenko and Linklaters advised Deutsche Bank, ING, Natixis, and UniCredit, the joint bookrunners of Metinvest's USD 1.592 million Eurobond issue. Metinvest was represented by Allen & Overy and Avellum on the issue, while Redcliffe Partners and Clifford Chance advised the coordinating mandated lead arrangers. Clifford Chance also advised on the bank debt.	USD 1.592 million	Ukraine
17-May	Avellum	Avellum advised Horizon Capital and other individuals on the disposal of a 90% stake in Ergopack Group to the Sarantis Group.	N/A	Ukraine
22-May	Asters; Avellum	Asters advised VR Capital Group on the acquisition of 50% of Matlomenius Holdings Ltd (Cyprus) from ICU. The seller was represented by Avellum.	N/A	Ukraine

Full information available at: [www.ceelegalmatters.com](http://www.ceelegalmatters.com)

Period Covered: March 21, 2018 - May 22, 2018

# ON THE MOVE: NEW HOMES AND FRIENDS

## Dorda Appoints New Management Committee



Dorda has announced the appointment of a new three-person Management Committee, consisting of Partners Felix Horlsberger, who was re-elected after serving as a member in the preceding term, Martin Brodey who previously served as member from 2006 to 2014, and Axel Anderl, who was elected for the first time.

According to Dorda, “the Management Committee is an important decision-making body of the firm in all questions of the firms’ strategic management and development.”

Martin Brodey, who heads the M&A practice at Dorda, commented that: “I am delighted to be able to contribute again to the management and strategic development of the firm. We want to take Dorda successfully into its digital future and want to pursue a clear strategy in this respect.”

Felix Horlsberger, who heads the Insurance practice and co-heads of the Data Protection team at Dorda, added: “The digital transformation will be the core challenge for us and the whole legal business in the years to come. There is no way around this.”

“Our management tasks will not keep us from remaining fully dedicated to servicing our clients and leading our teams,” said Axel Anderl, who leads Dorda’s IT, IP and Media practice and co-heads the Data Protection team with Horlsberger. We

will continue being close to our clients and their businesses in order to be able to improve our services based on our experience on the market continuously and to further increase our service level each and every day.”

The new Management Committee’s term commenced on March 1, 2018.

## Kucharski Opens New Law Firm in Warsaw



Three former members of Baker McKenzie Warsaw’s Real Estate team – Przemyslaw Kucharski, Bartosz Laski, and Aleksandra Kaczmarek – have left that firm to establish their own: Kucharski & Partners.

According to Kucharski & Partners’ Managing Partner Przemyslaw Kucharski: “We are delighted to present new legal brand on Polish market. We put at stake our over 15 years of professional experience gathered in the biggest multinational and domestic law firms. We are excited to provide our growing client base comprehensive and smart services tailor-made to their needs.”

Kucharski specializes in advising on various large-scale real estate, corporate, and financial transactions, as well as handling dispute resolution matters. Prior to establishing Kucharski & Partners he was a partner at both Baker McKenzie and CMS in Warsaw.



Kucharski & Partners will focus primarily on the real estate market. According to Przemyslaw Kucharski: “Our clients mostly include entities operating in the real estate sector (mainly developers, investors/investment funds, tenants of commercial property, insurers of property transactions, and financing banks). Our clients do not operate in a legal vacuum – most often, in addition to assistance in real estate transactions, they are interested in comprehensive legal services relating to their operating activities on a day-to-day basis, including corporate, labor, financial, and other issues. What we care about most is to be an efficient, well-integrated, and, above all, successful team of lawyers helping clients to achieve their business goals and assumptions.”

## Former JPM Partners Launch MVJ Markovic Vukotic Jovkovic



Former JPM Jankovic Popovic Mitic Partners Uros Markovic, Nikola Vukotic, and Marko Jovkovic have left that Serbian law firm to launch their own practice: MVJ Markovic Vukotic Jovkovic.

The lawyers left JPM in November of last year. At MVJ – which focuses on Corporate/M&A, Banking & Finance, Real Estate & Construction, and Energy – they are joined by two associates, as well as additional trainees and administrative staff.

According to Uros Markovic, the firm’s smaller size reflects a deliberate strategy. “At some point we recognized that there is a huge gap between the standard legal advice which you can obtain at almost any major law firm on the market and the premium advice and guidance which you can receive only from a limited number of professionals,” he said. “The concept we are pursuing is a boutique law firm with the goal to be more efficient than the larger law firms, where the clients will be provided with agile legal services, tailored to clients’ specific needs through personalized support, understanding and advice furnished directly and entirely by the leaders in their fields.”

## Marcin Bejm Brings Team to CMS in Warsaw



On March 5, 2018, former Clifford Chance Counsel Marcin Bejm joined CMS Warsaw as Partner in charge of the Infrastructure Projects practice, bringing with him a team of lawyers.

Bejm, who has 17 years of professional experience, specializes in providing legal advice on transactions and investment projects regarding infrastructure assets in Poland and CEE. His particular focus is on project finance and public-private partnerships.

Bejm joined Clifford Chance in 2008, after working with both Norton Rose and Baker McKenzie.

Marcin graduated from the Faculty of Law and Administration at the University of Warsaw, and he also holds a diploma from Cambridge University in English and EU law.

## Interlegal Opens New Office in London



Interlegal has opened a representative office in London, led by Alberto Batini.

According to Interlegal, “the London office will facilitate more prompt and efficient Interlegal legal support both to Ukrainian clients in English courts and arbitrations and to British law firms with the clients in the Black and Caspian Sea basin.”



Hogan  
Lovells

## Build it, buy it, sell it.

Real estate has never been more global or more complex than it is today. We understand that it is a critical part of your business, regardless of where in the world you operate.

In a fast changing global market, we have been at the forefront in helping our clients navigate and redefine the most complex and high-profile real estate deals. From real estate investments, developments and how to finance them, to places to work and live. Whether you are looking at offices, retail, industrial, logistics, hotels, residential, or any other type of building, we can help.

With over 500 lawyers in our global Real Estate Industry Sector Group, we use our deep insight of real assets to help our clients across the entire property lifecycle.

Everything from fund raising to joint ventures, acquisitions and disposals, development, financing, restructuring and disputes. We have experience in working with virtually every aspect and type of real estate project.

2,500 lawyers / 45+ offices / 25+ countries

[www.hoganlovells.com](http://www.hoganlovells.com)

Hogan Lovells is an international legal practice that includes Hogan Lovells International LLP, Hogan Lovells US LLP and their affiliated businesses. Images of people may feature current or former lawyers and employees at Hogan Lovells or models not connected with the firm.

[www.hoganlovells.com](http://www.hoganlovells.com)

© Hogan Lovells 2018. All rights reserved.

Interlegal's Partner Arthur Nitsevych said: "In fact, Alberto Batini not only represents Interlegal in London, but he is a voice of all the company's clients [doing] business in Transport, Shipping, and International Trade governed by the English law system. Both GAFTA, FOSFA, LMAA arbitration rules, and British court rules allow Interlegal experts to protect clients' interests online. In some unique cases, our lawyers also participate directly in litigation and arbitration proceedings. However, when we found the opportunity to develop a partnership with Alberto Batini and strengthen our arbitration practice, we did not hesitate to take advantage of this step."

Alberto Batini's key competencies include maritime law, P&I and H&M insurance, ship arrest, international arbitration, transport and logistics, and maritime cyber security.

Alberto Batini added: "I am happy to start the new wave of business cooperation with Interlegal. We have known each other since 2005. We have assisted both each other and our clients for many times. Now we are moving towards our partnership development. I moved to London while we launched the next step of our relationship. I am pleased to become Interlegal representative in London. We will create additional value for Ukrainian and European customers due to the benefits of our British-Ukrainian synergy."

## Biris Goran and Privacy One to Join Forces in Romania



Romanian law firm Biris Goran will join forces with PrivacyOne, a boutique firm specialized in legal advice on personal data protection, to provide consolidated advisory services in the field of personal data protection.

Biris Goran Founding Partner Biris Goran commented on his counterpart at PrivacyOne: "Andreea Lisievici's extensive experience in the personal data protection field, the high quality advice as well as the manner of thinking out and prioritizing the advice she offers, are very similar to the values which guide us at Biris Goran. We think alike and I am sure that the market will react positively to the added value brought by this cooperation to the benefit of our clients."

For her part, Lisievici claimed that the partnership will support PrivacyOne's efforts to deliver the highest quality and that clients of both firms will appreciate the integrated products on offer. "We worked hard to reach the current level of excellence, and PrivacyOne deserves to be where it is ranked today. We found in Biris Goran an ideal partner that came at the best time possible, and thus we will be able to provide our clients with the attention they need. PrivacyOne's portfolio of clients, consisting in big names on the Romanian market, shall benefit not only from services for alignment and implementation of the new regulations on personal data protection, but also from our entire capacity of offering business legal advice."

## Hoxha, Memi & Hoxha Joins South East Legal Alliance

Albania's Hoxha, Memi & Hoxha law firm has joined the South East Legal Alliance, a regional network of independent law firms operating across South East Europe. In addition to Hoxha, Memi & Hoxha, SELA's members include Apostolska & Aleksandrovski of Macedonia, Bojovic & Partners of Serbia/Montenegro, Dimitrijevic & Partners of Bosnia and Herzegovina, Dimitrov, Petrov & Co. of Bulgaria, Kirm Perpar of Slovenia, and Zuric & Partners of Croatia.

## Wozniak Legal Launches Dispute Resolution Practice



Wozniak Legal has announced the launch of a full service dispute resolution practice in Poland.

Wozniak Legal Managing Partner Grzegorz Wozniak commented that: "We already have a team of excellent litigators and arbitration specialists (including Partner Filip Kowalczyk and Senior Associates Adrian Andrychowski and Grzegorz Dudek) ranking among the best in the Polish market. With our new 2020 strategy, we will be even better placed in the future to pitch successfully for the largest and most demanding mandates in the market. We actively pursue all avenues of



dispute resolution available and advise clients on choosing the method most appropriate to them and for a particular matter. Our main priority is to resolve disputes quickly and effectively with as little disruption to business as possible – recognition of this is central to how we approach any matter.”

## Wolf Theiss Takes Tax Duo from Wierzbowski Eversheds in Warsaw



Former Wierzbowski Eversheds Sutherland Partner Karolina Stawowska and Of Counsel Izabela Wieworka have joined Wolf Theiss as a partner (and Head of Tax) and tax advisor, respectively.

According to Wolf Theiss, “the expansion ... comes in response to growing demand for sophisticated tax advisory services in Poland’s rapidly changing business environment, and is a further step in the firm’s dynamic expansion in Central Europe.”

Stawowska acts for corporate clients and private individuals as well as private equity and venture capital funds. According to Wolf Theiss, “she has worked on the restructuring of capital groups, on the development of tax strategies for acquisitions and sales of companies, and on investment financing. Stawowska also has extensive experience in tax proceedings and conducting tax litigation in administrative courts.”

Stawowska joined Wierzbowski Eversheds in June 2010, having spent the 13 years before that at PwC in Warsaw.

“It’s a great pleasure for me to join Wolf Theiss’ team of recognized experts and support its expansion in one of the most interesting markets in the region,” Karolina Stawowska said. “For the last two decades, Poland has been on the radar screens of major investors, who are seeking sound tax advisory as they expand in the CEE/SEE market, and I’m happy to join Wolf Theiss in providing those services.”

“Adding both Karolina and Izabela to our existing strong team of tax experts is a further boost to our expansion in

the region,” said Niklas Schmidt, Wolf Theiss’ Vienna-based Tax Practice Group head. “Their remarkable professional experience will enhance our provision of complex professional services in the rapidly changing tax law environment in Poland and throughout the CEE/SEE.”

## Cipic-Bragadin Merges with Two Solo Practitioners in Croatia



Croatia’s Cipic-Bragadin law firm has merged with the independent legal practices of Marina Mesic and Ivan Juricic. Following what it calls a “trilateral merger,” Marina Mesic becomes a new named partner at the firm, which will operate going forward as Cipic-Bragadin Mesic and Associates. Ivan Juricic joins as a senior partner.

According to Cipic-Bragadin Mesic and Associates, Marina Mesic will divide her work between real estate and commercial practices, while Ivan Juricic will focus on the firm’s litigation practice.

Silvije Cipic-Bragadin, the Managing Partner of Cipic-Bragadin Mesic and Associates, commented: “Strengthening and consolidating our teams is an important step in enhancing our offer, aligned with the strategy to focus on industry sectors where the market unanimously recognizes us as leaders in these fields. To be able to do that, we needed to grow our team and the quickest and the most effective way to achieve that was by doing a strategic merger with other legal practices.”

“I would like to personally thank Marina and Ivan for coming on board and I believe that this will be another successful story for all of us involved,” he continued. “There is plenty more room to grow and we have always been open for new ventures. We are currently in the process of several other discussions in relation to strategic mergers and hope to add new partners in the months to come. Having knowledgeable and experienced people is what our clients want from us and by enlarging our team with such professionals and market leaders like Marina and Ivan, we are able to provide personalized, professional, quick, and effective support to our clients, who will know how to reward that level of service.”

Marina Mesic added: “We were approached almost two years ago with a proposal to do a strategic merger with the Cipic-Bragadin practice. At that time, that all seemed a little too complicated to be pulled off, especially since all our practices had a different client base, different ways of doing things, *et cetera*. However, over time, we recognized all the benefits of a merger and started close negotiations, during which time we were all able to align our interests, overcome differences, and make this merger possible. We’ve developed a system through which all parties’ interests should be satisfied simultaneously, making the platform suitable for new mergers and lateral hires. It is great to see things are moving forward and we all feel very positive about our business and future prospects.”

## D’Ornano and Team Leave Jeantet to Establish New CEE Firm



Francois d’Ornano, together with almost the entire Budapest office of Jeantet, has left the French firm to launch the D’Ornano Partners law firm, with offices in Hungary, Serbia, and Romania.

In addition to d’Ornano, the Founding Partners of D’Ornano include former Jeantet lawyers Amaury Chautard and Anna Maria Veres in Paris and Balazs Kutasi in Budapest, former Bondoc & Asociatii Senior Associate Cristina Gavrila in Bucharest, and Ana Maric in Belgrade. It is unclear what the affect of Maric’s joining will have on her role as Managing Partner of Belgrade’s MMD Associates law firm.

The Budapest team moved to Jeantet with d’Ornano from Gide Loyrette Nouel in 2015. Maric and Gavrila also worked

with d’Ornano with Gide, with d’Ornano overseeing the firm’s Serbian and Romanian offices until Gide withdrew from those markets.

D’Ornano Partners also announced that a Brussels office “will be set up in the following months and will cover competition and EU-related aspects related to cross-border investments of our clients in France and the CEE region.”

## Michal Mezykowski Brings Team from Dentons to CMS in Poland



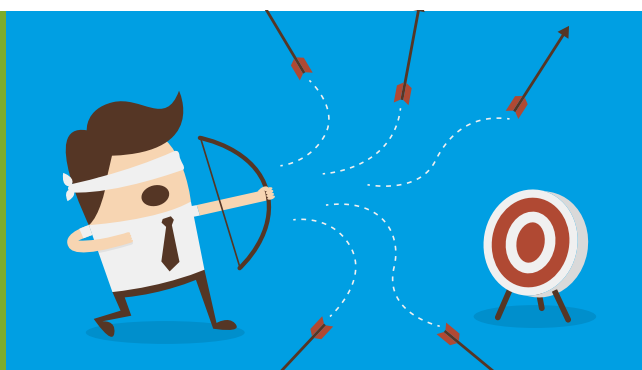
Former Dentons Partner Michal Mezykowski has joined CMS Poland as Head of Banking & Finance, bringing a team of eight lawyers along from his former firm.

According to CMS, “Mezykowski has advised financial institutions and investors for 17 years on transaction financing, with a particular focus on the real estate market, financing investment projects and company acquisitions. His specialization also includes consultancy in the field of export financing. He has also cooperated with financial institutions in areas such as establishing branches, outsourcing business functions and payment services. His experience includes consultancy services for financial institutions in the field of restructuring and bankruptcy law.”

Mezykowski joined Salans in 2001 and made Partner in 2010 – a role he maintained when Salans transformed into Dentons in April 2013. He obtained his degree in law from the University of Warsaw in 2002.

## DID WE MISS SOMETHING?

We’re not perfect; we admit it. If something slipped past us, and if your firm has a deal, hire, promotion, or other piece of news you think we should cover, let us know. Write to us at: [press@ceelm.com](mailto:press@ceelm.com)



# CHANGE AT THE TOP

## ERIKA PAPP TAKES OVER FROM GABRIELA ORMAI AS MANAGING PARTNER AT CMS HUNGARY

**After 20 years as CMS's Managing Partner in Hungary, Gabriella Ormai (left in photo) has decided to step down from that position, handing the office's reigns to long-time colleague Erika Papp (right in photo). CEE Legal Matters sat down with Ormai and Papp to discuss the change.**

**CEELM:** Gabriella, why are you stepping down as Managing Partner now?

**G.O.:** There always comes a time when you have to think about what's next – when it's time to move on – and I think for us this is the right moment. I am not retiring, I am just stepping down as Managing Partner. I did this job for approximately 20 years – this is something truly historic. I think a fresh eye and leadership

could add real value. It has been our plan for a long time that Erika would take over one day. At the same time the office followed the standard election process established at the firm.

**CEELM:** Tell us a little bit about your background. How and when did you initially join CMS, and when did you become Managing Partner?

**G.O.:** Until 1989, I had been working at the foreign currency control authority, but I somehow felt that it would not survive for too much longer. I was asked to be one of the founders of a three-person law firm. In June, with the fall of the “walls” in Eastern and Central Europe, everything changed, so it was definitely good timing. Soon after starting the practice I met McKenna & Co. and we

started to work together. I was very lucky to meet that firm. Originally we had a small operation, and real growth began in 1995/1996. I became Managing Partner in 1999 when Stephen Forster went back to London.

**CEELM:** What achievement are you proudest of from your time as Managing Partner?

**G.O.:** This is easy. We built up the biggest and the best firm in Hungary – and it is not just us who says this. No other law firm in Hungary has as many Band 1 rankings in the independent legal directories as we do. One of the prominent Budapest business journals, for instance, always publishes fresh rankings of the best of the best, and we are there. Of course, remaining at that position is still



our biggest challenge, along with finding excellent people. We were lucky; we have great colleagues who allow and help us to grow. In 1996 we had around 10-15 employees. Today we have 70 lawyers, including 10 partners, plus other 60 to 80 staff members.

**CEELM:** If you could point to one deal or transaction CMS worked on in the past 25 years that you're proudest of, what would it be?

**G.O.:** I would say portfolio transactions. We were true pioneers in this area. When we advised AXA Bank on the sale of its Hungarian business to OTP, it was an unprecedented transaction on the Hungarian market. It involved the transfer of a sizable and complex mortgage loan portfolio, based on recent change in the law. We also assisted Erste bank on the acquisition of Citibank's consumer business and several other high-value and high-profile transactions.

I'm also always proud when a client decides to work with us again after a successful transaction – and this happened with A&N Media too. We assisted them on an acquisition of a regional newspaper called Kiszfold in 1989. This transaction was the first that I did with McKenna and the seller was the Socialist party. 25 years later they instructed us on their strategic exit of leading online job and car portals as well as printing business across six CEE countries in seven jurisdictions.

**CEELM:** In the past 20 years some firms have withdrawn from the market or shrunk from relevance, and others have taken their place. Erika, how has CMS managed to stay so consistently successful and prominent?

**E.P.:** In my opinion, we have managed to keep our position because we are seen by our clients and competitors as a friendly law firm. We have an inclusive team, and we focus on creating and maintaining a strong cooperative relationship between lawyers in our firm. International business law is a very competitive field, of course, and it can be difficult to keep our lawyers happy and content with their careers. Gabriella has done a wonderful

job at that, and I hope I can continue this tradition.

**G.O.:** It is also an important factor that we are a full-service law firm, so we provide a wide range of expertise across 19 practice and sector areas, including several niche areas.

**CEELM:** Erika, how would you describe your personal management style?

**E.P.:** Our lawyers have different personalities, and everyone is very ambitious, so I try to create incentives by rewarding hard work and cooperation, for example, when we evaluate performance for promotions, we also take into account, apart from financial performance, soft skills such as good relationships with colleagues. We try to foster an open and inclusive work environment. I have an open door policy. This means that we keep our doors physically open all the time, making sure that everyone feels welcome to walk in anytime with a new idea, or a problem, or even just to chat.

**CEELM:** We are living in interesting times, with advances in technology and artificial intelligence transforming the market. How is CMS keeping abreast with these changes?

**E.P.:** We are continuously focusing on this issue, because this is how we can preserve our position on the market. Automation, adopting new technologies, and even additional ways of specializing; we are interested in and specialized on it all. Right now we are experimenting with a lot of funky new stuff, like FinTech and Auto-Tech – we are going to give a seminar soon on Auto-tech such as self-driving cars and green energy, and the related legal aspects. So there is a large range of things that we are thinking about to keep us ahead of the game. In my opinion, this is how we can preserve our number one position: by keeping our old policies about cooperation and openness in order to attract the best talent, and by innovating in order to attract new clients.

**CEELM:** Speaking of technology, do you have any new tools that you are in the process of introducing to clients?

**E.P.:** We are automating our standard agreements. In the banking team, for example, certain agreements are already automatic, we just push a button and there you go, a first draft is ready. I think this makes us competitive, because we can produce client agreements faster and cheaper than our competitors. Right now, we are working to automate other agreements as well, while trying to specialize in new areas that people don't even know exist.

**CEELM:** Erika, you head CMS Hungary's Banking & Finance practice, while Gabriella co-heads the Commercial and Disputes practices. Will the change of management affect in any way the firm's focus?

**E.P.:** Absolutely not. Banking in general is just one aspect at the firm, albeit an important one. As the Managing Partner, my job will be to focus on everything, not only banking.

**G.O.:** In that sense there will be no change. We have a big commercial group – which in practice includes a lot of things, like litigation, tax, public procurement, and so on. Almost half of our lawyers are in this group, so it's a diverse team.

**CEELM:** What do you consider your biggest challenge in taking on this new position?

**E.P.:** We are in a very good position right now, and I would like to maintain it. That's a huge challenge. Gabi did a great job with this office and I would like to keep it this way. It's not going to be easy, as the competition is getting stiffer, other law firms are growing as well, and according to current predictions, in a couple of years we may even face another economic downturn. All in all my goal is long term sustainability and maintaining our position on the market.

**CEELM:** Gabriella, what advice would you give to Erika?

**E.P.:** She actually gave me some last night, at 11 pm. She said: "Don't be stressed, everything will be fine!"

Hilda Fleischer

# SUMMARY OF CEE MOVES AND APPOINTMENTS

## PARTNER APPOINTMENTS

Date Covered	Name	Practice(s)	Firm	Country
9-Apr	Eleanor Johnson	Real Estate	Dentons	Czech Republic
9-Apr	Marketa Tvrda	Real Estate	Dentons	Czech Republic
9-Apr	Tomas Osicka	Banking/Finance	Dentons	Czech Republic
14-May	Libor Prokes	Real Estate	CMS	Czech Republic
3-May	Balint Halasz	IP/TMT	Bird & Bird	Hungary
3-May	Pal Szabo	Corporate/M&A	Bird & Bird	Hungary
26-Mar	Liga Merwin	Competition	Ellex (Klavins)	Latvia
4-Apr	Nauris Grigals	Corporate/M&A; Tax	TGS Baltic	Latvia
4-Apr	Andis Paunins	Arbitration; TMT/IP	TGS Baltic	Latvia
27-Mar	Marcin Schulz	Corporate/M&A; Banking/Finance	Linklaters	Poland
5-Apr	Adam Jodlowski	PPP	PwC Legal	Poland
5-Apr	Agnieszka Janicka	Corporate/M&A	Clifford Chance	Poland
9-Apr	Piotr Staniszewski	Real Estate	Dentons	Poland
23-Apr	Milosz Golab	Banking/Finance	Clifford Chance	Poland
7-May	Katarzyna Debinska-Pietrzyk	Real Estate	CMS	Poland
7-May	Blazej Zagorski	Corporate/M&A	CMS	Poland
24-Apr	Cristiana Fernbach	IP/TMT	Stratulat-Albulescu	Romania
9-Apr	Konstantin Tretyakov	White Collar Crim	Dentons	Russia
23-Apr	Vladimir Barbolin	Banking/Finance	Clifford Chance	Russia
17-Apr	Jelena Aleksic	Labor Law	JPM Jankovic Popovic Mitic	Serbia
28-Mar	Igor Augustinic	Real Estate;	BPV Braun Partners	Slovakia
6-Apr	Illya Sverdlov	Tax	DLA Piper	Ukraine
19-Apr	Kateryna Oliinyk	IP/TMT	Arzinger	Ukraine

Full information available at: [www.ceelegalmatters.com](http://www.ceelegalmatters.com)

Period Covered: March 23, 2018 - May 14, 2018

## PARTNER MOVES

Date Covered	Name	Practice(s)	Firm	Moving From	Country
23-May	Marina Mesic	Real Estate; Corporate/M&A	Cipcic-Bragadin Mesic and Associates	Marina Mesic	Croatia
23-May	Ivan Juricic	Litigation/Dispute Resolution	Cipcic-Bragadin Mesic and Associates	Ivan Juricic	Croatia
21-May	Mari Matjus	IP/Competition	Nove	Jesse & Kalas	Estonia
4-May	Francois d'Ornano	Corporate/M&A	D'Ornano Partners	Jeantet	Hungary
27-Mar	Przemyslaw Kucharski	Real Estate; Corporate/M&A	Kucharski & Partners	Baker McKenzie	Poland
6-Apr	Marcin Bejm	PPP; Banking/Finance	CMS	Clifford Chance	Poland
27-Apr	Lukasz Wegrzyn	IP/TMT	SSW Pragmatic Solutions	Maruta Wachta	Poland
8-May	Karolina Stawowska	Tax	Wolf Theiss	Eversheds	Poland
10-May	Marek Grodek	Real Estate	Hogan Lovells	Greenberg Traurig	Poland
23-May	Michal Mezykowski	Banking/Finance	CMS	Dentons	Poland
7-May	Alexander Rymko	Banking/Finance	Harneys	Hogan Lovells	Russia
21-Mar	Uros Markovic	Real Estate/Energy	MVJ Markovic Vukotic Jovkovic	JPM Jankovic Popovic Mitic	Serbia
21-Mar	Nikola Vukotic	Real Estate/Energy	MVJ Markovic Vukotic Jovkovic	JPM Jankovic Popovic Mitic	Serbia
21-Mar	Marko Jovkovic	Corporate/M&A	MVJ Markovic Vukotic Jovkovic	JPM Jankovic Popovic Mitic	Serbia
10-May	Jonathan Clarke	Corporate/M&A	DLA Piper	Akol Law	Turkey
12-Apr	Mykyta Polatayko	IP/TMT	Aequo	Sayenko Kharenko	Ukraine

## OTHER APPOINTMENTS

Date Covered	Name	Company/Firm	Appointed To	Country
23-Mar	Felix Horlsberger	Dorda	Managing Committee	Austria
23-Mar	Martin Brodey	Dorda	Managing Committee	Austria
23-Mar	Axel Anderl	Dorda	Managing Committee	Austria
10-May	Petr Panek	White & Case	Office Executive Partner	Czech Republic
2-May	Erika Papp	CMS	Managing Partner	Hungary
9-Apr	Anna Derdak	Eversheds Sutherland	Head of Tax Practice	Poland
17-Apr	Agnieszka Besiekierska	Noerr	Head of Digital Business Practice Group	Poland
23-Apr	Tobiasz Adam Kowalczyk	Volkswagen	Board Member (Volkswagen Group Real Estate Polska)	Poland
8-May	Agnieszka Sztoldman	SMM Legal	Co-manager of the IP and Competition	Poland
26-Mar	Georgy Karaoglanov	KIAP	Head of Employment	Russia
29-Mar	Konstantin Bochkarev	CMS	Head of TMC Practice	Russia
23-Mar	Oleksiy Stolyarenko	Baker McKenzie	Head of IT/TMT	Ukraine

## IN-HOUSE MOVES AND APPOINTMENTS

Date Covered	Name	Company/Firm	Moving From	Country
9-Apr	Hermann Schneeweiss	Eisenberger & Herzog	Boston Consulting Group	Austria
27-Mar	Zoltan Sarkany	Arval BNP Paribas Group (Head of Legal Czech Republic, Slovakia, and Hungary)	Arval BNP Paribas Group (Head of Legal)	Czech Republic
23-Apr	Donata Montvydaite	Eastnine AB	Ellex (Valiunas)	Lithuania
25-Apr	Magdalena Sulik	Panattoni Europe (BTS Contract Director and Legal Counsel)	HB Reavis	Poland
28-Mar	Tolga Ismen	Sisecam Group	Chief Legal Counsel (new position)	Turkey
7-May	Burak Kepkep	Polat Enerji San. ve Tic. A.S.	Paksoy	Turkey



# THE BUZZ

In “The Buzz” we check in on experts on the legal industry across the 24 jurisdictions of Central and Eastern Europe for updates about professional, political, and legislative developments of significance. Because the interviews are carried out and published on the CEE Legal Matters website on a rolling basis, we’ve marked the dates on which the interviews were originally published.

## GREECE: MARCH 27, 2018

**“The time has come for investment and movement in business.”**



“Business is really booming,” says Evi Tsilou, Partner at Papapolitis & Papapolitis in Athens. “I think we are finally starting to see some developments – the time has come for investment and movement in business.”

This year the third economic adjustment program for Greece, designed to return the country to sustainable economic growth, will come to an end. “The crisis was tough for all of us,” Tsilou says. “But now, after all these years of crisis, all of us understand fully the dangers of being out of the euro zone and now we are confident that the likelihood of that happening is remote.”

Not all is perfect, of course, and Tsilou notes that “the consequences of the crisis are still here.” Ongoing reforms in the country, unstable tax rates, and bureaucracy remain “serious impediments” for investors, she explains. In addition, there are still risks in capital controls, since the Greek government continues to impose restrictions – although relaxed – on mon-



ey withdrawals outside Greece.

However, the adjustment program has brought positive changes in the public sector too, Tsilou says, including efforts to modernize the public administration, reduce bureaucracy, and “help and expedite procedures in investment.” These changes, she says, were necessary to make “all procedures effective and completed on time.” In addition, procedures related to judicial reform, bankruptcy and pre-bankruptcy procedures, NPLs, privatizations, and enforcement have been improved in the context of the adjustment program.

Among the most recent legislative changes is an e-auction that started at the end of February of this year, Tsilou says, describing it as an important tool in the context of enforcement. “Enforcement procedures were difficult, and e-auctions present important advantages for all interested bidders” she says. “The law on NPLs that was enacted almost two years ago sets also a significant set of rules and opened the way for an im-

portant number of NPL transfers to be completed.”

Tsilou reports that another area attracting an important amount of interest now in Greece relates to the placement of problematic businesses, mainly as going concerns, into a special administration procedure, which eventually leads “to a more quick and efficient sale of the assets of the borrower.” She reports that “it is expected to be one of the most frequently used reorganization tools.”

In the long run, Tsilou sees an opportunity for growth in Greece. “The most promising areas are of course the NPLs and M&A and capital market deals with a focus on the tourism sector.” Although she notes that in the privatization area there is still work to be done, “many privatization projects are already completed and for others the process is currently ongoing.”

Ultimately, Tsilou is hopeful. “We are quite optimistic that things are going to be better for everyone here in Greece and that 2018 will be the beginning of the end of the financial crisis in Greece.”

---

## BOSNIA & HERZEGOVINA: APRIL 4, 2018

**“The atmosphere is definitely better than before in different areas.”**



Lawyers in Bosnia and Herzegovina are especially busy, says Stevan Dimitrijevic, Managing Partner of Dimitrijevic & Partners of Banja Luka, benefitting, among other things, from the complicated decentralized nature of his country, which leads to a “lot work for lawyers.” Dimitrijevic claims that, for clients, it is a “necessity to retain a good advisor to cut through the complexity,” whereas, “with good advisors, of legal and financial vocation, everything is much easier and quite predictable.”

Dimitrijevic, a founding member and member of the management board at the Foreign Investors Council, a non-profit business association representing the interests of foreign businesses in the country, provides a mixed report, with some necessary steps for progress still needing to be made. “The

atmosphere is definitely better than before in different areas: for example, the registration process for incoming companies has been sped up.” At the same time, he says, referring to levies for a specific purpose and paid to a lower level governments rather than the national tax authority, “parafiscal taxes still exist.”

And while the country’s general legislative framework compares well with EU countries, Dimitrijevic reports, its implementation still needs to be improved. “Implementation is a core, and we would like to see it in better shape than it is right now,” he says. Improved implementation would lead to a more predictable and reliable regime, he explains, where “every investor would like to find himself or herself.” At the moment, BiH has a dynamic legal environment, with frequent changes to the country’s laws. “This is not exactly a perfect thing,” he says. Nevertheless, he believes the country’s natural resources, energy, inexpensive-but-skilled-work-force, and low taxes provide counterbalancing incentives for foreign investors.

The general elections that are coming this Fall, Dimitrijevic reports, have resulted in the usual slowdown in new investments, although local governments – which have different election schedules – “are pretty active.” He is hopeful for the election’s aftermath. “If politicians do a good job afterwards, there will definitely be an increase in foreign investment,” he says, “I have no reason to believe that this cannot happen.”

In addition, amendments to the Law on Advocacy both in the Republic of Srpska and in Federation of Bosnia and Herzegovina are underway and expected to complete the parliamentary procedure towards the end of the year. According to Dimitrijevic, the new law will help “bring work up to the standards of EU countries.” He is part of the working group in the Republic of Srpska, and he reports that the new amendments in the entity will “allow for a corporate structure, the reorganization of services, tackle education, and support lawyers with generally upgraded legislation that everyone hopes will handle current open questions of the profession well and with lasting solutions.” In his opinion this will represent a step towards catching up with those neighboring countries that are already in the European Union.

## LETTERS TO THE EDITORS

If you like what you read in these pages (or even if you don't) we really do want to hear from you!

Please send any comments, criticisms, questions, or ideas to us at:

[press@ceelm.com](mailto:press@ceelm.com)

Letters should include the writer's full name, address and telephone number and may be edited for purposes of clarity and space.

## LITHUANIA: APRIL 5, 2018

**“The largest number of transactions, with large M&A deals being signed or closed almost every week.”**



“In Lithuania, we see a lot of movement and changes at the biggest law firms these days,” reports Irmantas Norkus, Managing Partner of Cobalt in Vilnius, who adds that many senior partners have recently decided to leave their old firms, either to change offices or to establish new ones. “It seems that we are at a point where important, key people from big firms, after 15-20 years of work, are now reconsidering their careers, and looking for new opportunities. Just to mention a couple: Tomas Milasauskas, a key real estate partner, has left Ellex; Gintautas Bartkus, one of the founding partners of TGS Baltic, has left that firm to become the Head of Legal at Deloitte; and Renata Berzanskiene, a founding partner of Sorainen’s Vilnius office, is leaving that firm.” According to him, this represents a clear generation change in the legal market, with more senior partners deciding to move on, leaving space for younger lawyers.

There are other changes as well. “In my view, younger lawyers are changing the environment of legal firms,” Norkus says. “They are more liberal in terms of their dress code, and many of them are willing to work from home. In other words, they are changing the old-fashioned, conservative way of thinking about law firms.” His own law firm is trying to keep up with these trends, he says, noting that Cobalt had recently had an international costume day at the office, with everyone encouraged to wear their own national dresses or uniforms at work.

Staying relevant and flexible is obviously a major consideration in the legal world. “This year our Bar Association Council will be re-elected,” Norkus says, “and we will have a new chairman and a new council.” He’s optimistic about the direction the Bar is moving in. “I think that we will have a new modern Bar that will further boost the activity of lawyers and take more care of legal trends and changes.”

Lithuanian law firm business grew around 15% in 2017, Norkus reports, and it remains strong as a result of the activity in the M&A market itself. “If we look at the M&A market,” he



says, “which is a really significant part of our revenues, right now the Baltics have the most transactions in CEE. And in the first two months of 2018, we saw the largest number of transactions, with large M&A deals being signed or closed almost every week.”

In addition, the Cobalt Managing Partner says, crypto technology and blockchain work are keeping firms busy at the moment, with crypto transactions, ICOs, and payments all common topics among lawyers. “We have established a pan-Baltic group called the ‘Blockchain Task Force’ which is now working on larger projects in the field of cryptocurrency and related technologies,” he says. “This is definitely a new type of work for lawyers, which generates quite a lot of projects, and firms are just figuring out how to manage and monetize their clients’ requests.”

“Businesses in Lithuania are affected by the new Labor Code introduced in 2017,” he says, “and companies are still adjusting to its requirements. In addition, recent amendments to the tax laws and, of course, the GDPR are also generating business for firms.”

Finally, Norkus reports that Lithuania is attractive for foreign investors at the moment. “Lithuania is attractive mainly to European investors,” he explains, “for they find a friendly environment here, and we have good governmental approaches as well. In the latest Ease of Doing Business rankings, Lithuania is No. 16.”

---

## POLAND: APRIL 9, 2018

**“The future of the legal market in Poland is to go big or become a boutique.”**



The beginning of 2018 has been quite busy for many Polish law firms, according to Jan Rolinski, Senior Partner at WKB Wiercinski Kwiecinski Baehr. He expects that activity to persist throughout the rest of the year, due to a number of legislative initiatives currently in the drafting process, which are “already causing a disturbance in the Polish market and keeping us occupied.”

The hottest topic for lawyers in Poland is the Disclosure Act, Rolinski says, which is designed to increase transparency and the amount of information available to the public. The draft act is still under discussion in the Ministries, and it has yet to be sent to parliament for consideration. “Regardless of its final shape,” he says, “it is going to require a lot of attention and significantly add to the workload of regulatory and compliance lawyers.”

As Rolinski explains, the aim of the new act is “to prevent corruption, eliminate conflict of interests, and protect whistle-blowers.” With regard to the whistle-blowers, the act is expected to provide for compensation for or protection from employment termination. In addition, enterprises which do not announce or enforce anticorruption bans face the risk of “fines or more serious consequences.” As an example from his own area of expertise, he explains that if the current draft is passed, businesses may be “*de facto* excluded from the public procurement system for a few years, as they will not be able to participate in tenders if relevant authorities find their anti-corruption measures insufficient or fictitious.”

Many businesses and lawyers consider these sort of sanctions “too far-going,” he says, and although Rolinski understands the “wish of the government to be open and counteract bribery,” he agrees that the means “seem to be excessive.”

Turning to another subject, Rolinski reports that the role of the General Counsel to the Republic of Poland, an institution tasked with ensuring the security and effective protection of the rights and interests of the country, including the State Treasury, will be expanded to cover state enterprises. Thus, he says, “in many areas the State Treasury will effectively become our competition,” thus inevitably affecting the legal market itself.

However, this is not the only significant change in the legal market. Rolinski says that, “the future of the legal market in Poland is to go big or become a boutique.” In his opinion, the market of big and mid-sized firms is heading towards consolidation. Consequently, firms unable or unwilling to “go big” have little other choice than aim towards a high degree of specialization by focusing on particular practices. “Boutique firms sell better in niche areas of law and business,” he says.

In the long run, Rolinski says, law firms are facing pressure to adapt to and employ modern technology and artificial intelligence. “Our role is to prepare for a new era of automatic AI and IT solutions,” he says, “which is a challenge for the local firms that need to keep up with big internationals which can tap into technological investments made by their affiliated offices.” The push towards implementing efficient technological instruments, he emphasizes, means that law firms need to take a more business-focused approach than ever before. “We have to think business, which is also what our clients expect us to be doing as well.”

---

## MACEDONIA: APRIL 10, 2018

**“New solutions ... for different types of energy products.”**



Tatjana Popovski Buloski, Partner at the Polenak Law Firm in Skopje, says the political crisis in Macedonia last year slowed capital movement and M&A transactions. “Everybody in the business community was watching closely what was going on in the political scene.”

Still, she says that the new government established in June, 2017 has generated positive expectations for this year. Among other things, hopes are high that Macedonia will finally be able to resolve its long-standing dispute over the country’s name with Greece, which could open the door for it to join both NATO and the European Union. Popovski believes the realization of these longtime goals would have a significant influence on the market. “It would be more secure for investors to come here and invest,” she says. “At least there is a perception that obstacles would be removed.”

On the other hand, she says, while there is an “open call” for investors to invest in Macedonia, frequent changes in the laws (and their implementation) as well as “surprising court decisions” have led to uncertainty and instability, keeping investors from obtaining a “clear picture of the market.”

Indeed, she says, the new government is in the process of issuing still more new policies, though none that are likely to affect the market significantly.

As part of the country’s ongoing fight against corruption, Macedonia’s Special Public Prosecutor’s office is pursuing a spate of criminal cases against former government officials. According to Popovski, among those officials being investigated are several allegedly involved in a wiretapping scandal that took place between 2008 and 2015.

A draft law on energy introduced at the end of 2017 constitutes a real step forward, Popovski says, by providing “new solutions ... for different types of energy products.” The draft law, which was prepared in line with the EU principles

and recommendations from the energy community, would liberalize the nation’s electricity market starting in 2019.

Turning to the subject of legal services, Popovski suggests that Macedonian lawyers may face certain restraints in their work due to an ongoing conflict between the Notary Bar and the Macedonian Bar Association. The Notary Bar has recently proposed excluding attorneys from participating in certain proceedings in the Notary Act. “I think it is in the best interest of the client to have proper legal advice when entering into transactions or other types of proceeding,” she says, voicing her support for the current system, which she says protects clients by allowing attorneys to assist them.

## SLOVAKIA: APRIL 11, 2018

**“The core business at the moment is real estate, both on the financing side and the development/acquisition side.”**



“The upcoming GDPR deadline, the newly implemented the anti-money laundering directive, and the newly implemented payment services directive are what’s keeping Slovakian companies and hence, law firms busy these days,” reports Silvia Belovicova, Partner at Squire Patton Boggs in Bratislava.

“The anti-money laundering directive, first and foremost, is changing the know-your-customer procedures for all financial institutions. The analysis for certain types of transactions and customer service is expanded, and it also changes the criteria for doing basic reviews of clients,” explains Belovicova. She adds that the EU directive requires a more advanced and more in-depth scrutiny of both clients and transactions.

“Now the internal systems need to be adjusted,” she says. “New competencies have been vested with the financial intelligence unit of the Ministry of the Interior in Slovakia which is supervising compliance with the law, but guidance as to certain details relating to implementation is still missing, so I would say that for the compliance department this is quite a challenge.”

Turning to Slovakia's implementation of the Payment Services Directive (PSD) II, introduced in January 2018, which has impact not only on PSIPs and AISP's and banks but on all e-shops and telecom operators – ultimately, everyone involved in electronic payment systems – the Squire Patton Boggs Partner says that the new directive is also generating a lot of work for both companies and firms at the moment.

Belovicova says that the recent protests in the country relating to accusations of criminal conduct and corruption at the highest levels of the country's government have not yet affected business, and that the financial sector, where she specializes, has seen no negative impact or slowdown in transactions as a result – though she concedes that circumstances could obviously change should the current political tension continue.

"If we are to consider practices, I would say that the core business at the moment is real estate, both on the financing side and the development/acquisition side," says Belovicova, adding that in recent years a large number of significant developments have been appearing in Bratislava, and around the country. Arrival of Jaguar Land Rover and its suppliers and the new logistics facilities of Amazon are part of the construction boom. But these new investors are facing a serious lack of technically qualified workers at the moment. "There are not enough Slovak people to fill in the positions, so a lot of workers are coming to the country, for example from Serbia and Romania," she says. "Employers are complaining that schools are not teaching students the skills they need in professional life." In addition, she says, part of the problem relates to the "still very low mobility of Slovak people." She sighs. "Education should really become a top political priority in Slovakia. Unfortunately, it is not these days."

## THE CZECH REPUBLIC: APRIL 12, 2018

**"The economy is in good shape, and law firms are very busy, but it is really hard to find good lawyers."**



"The Czech business market seems to be affected by changes in the legal sector that are expected in the near future," reports

Zdenek Tomicek, Partner at CEE Attorneys in Prague. First, he says, the legal system is now preparing to provide for joint legal actions. In addition, a new amendment to the country's Insolvency Act is creating waves on the market.

"Joint legal actions are common in many European countries, but they had not previously been incorporated into the Czech legal system," Tomicek explains. However, "the government has recently approved a proposal for a new act that will make these joint legal actions part of our system," he says, adding that the act contemplates criminal proceedings as well. "Although we don't have the legislation ready yet, some cases have already started in criminal proceedings. Our firm has also filed a joint criminal report against a company, Telefonni Seznam Ceske Republiky, a Slovenska s.r.o., for alleged fraud in a case of unfair business treatment. Initially we started the case on the behalf of four clients, but since the end of March, other companies have been joining the proceedings on an almost daily basis."

Tomicek claims that the circumstances of that case are unique. "We will see what will happen, because several companies submitted similar claims before, but the police said that they don't consider unfair business treatment of the said company as fraud and dismissed the charges. But whereas previously there could be only one claim, now there can be 15 and more, so authorities should take them more seriously due to social harmfulness, one of the main aspect of the criminal proceedings to be taken into account by the police." He reports that his firm is still waiting for the first confirmation from the police and the state prosecutor.

Turning to the new amendment to the country's Insolvency Act, Tomicek says that it was proposed by the Ministry of Justice to settle the debts of Czech residents. "The amendment generated huge debates in the Czech legal and business markets, for it basically says that if a person is not capable of paying his or her debts, he or she should not be held responsible for paying them back. According to the Ministry of Justice, we have 863,000 people who are under enforcement proceedings. This represents almost ten percent of the population, so it is quite a good reason to introduce the amendment, but from a business perspective, for many companies, this amendment may cause serious problems."

Ultimately, Tomicek says, courts will decide on the matter. "Probably a lot of people will try to take advantage of the act, and courts will be overloaded," he says. He also thinks that the act could affect negatively investors, including foreign companies, who provide significant customer loans and other B2C services, and now may find themselves unable to demand repayment.

In general terms, Tomicek says things are going well. "This is indeed a busy period for us," he says – but there's pressure on the legal industry as well. "We have to keep up with many



things at once, and we are also dealing with a serious shortage of law professionals. The economy is in good shape, and law firms are very busy, but it is really hard to find good lawyers. Now if we want to hire a new associate, it can take up to few months to find someone.” The reason of this shortage, he believes, is changing demands from new law school graduates. “Young people are not looking just for big salaries anymore. They also want to feel comfortable in their offices, so we have to change not only our internal regulations, but the office environments as well. We have to support them in feeling good, so they are motivated to stay.”

## AUSTRIA: APRIL 17, 2018

**“M&A business is rising again, foreign investors are finding a friendly environment.”**



“Right now in Austria, most of the activity revolves around the GDPR, because of the upcoming deadline,” reports Axel Anderl, Managing Partner and Head of IT/IP and Data Protection at Dorda.

“The GDPR implementation is currently the most challenging thing for all Austrian lawyers, since all customers and clients are affected and have become particularly active in the last few months,” he says. “Even if you are not active in the IT or the data protection field, you get the feeling that this is really important.” Anderl reports that it is quite difficult for clients to find trained professionals in the field, where only a limited number of experts are available. “There is an unbelievable high demand right now to help out companies with compliance issues, but many firms don’t really have the capacity to assist them,” he explains, adding that that this lack of expertise is slowing down implementation processes, which is especially problematic as companies have waited until the last minute to start addressing the problem. “I would say that only around 30% of the Austrian companies will meet the deadline, more or less. Most of the companies are still either in the process, with no chance to finish by the deadline –or they haven’t even started. So we have lots of work ahead of

us on this territory.”

Anderl reports that he has “some concerns regarding areas like labor law and employee protection, because further legislation and issues might pop up eventually within these fields.” According to him, “Austrian labor law does not provide specific data protection regulations, so now the question is whether we need additional regulations on a national level or if the general provisions are sufficient.” With regard to the use of data for scientific purposes, Austria’s parliament just recently produced a draft for an adjustment to lower the requirements for consent in line with one of the opening clauses of the GDPR.

Anderl adds that the European Banking Authority guidelines on Cloud Computing and the United States’ newly signed Cloud Act on access to data stored by US providers abroad are also keeping the business and legal markets busy. The new EBA guidelines, he says, are likely to particularly affect the banking and insurance fields. “It is practically a recommendation on a European level concerning cloud computing services and activities in the banking sector. Currently it is in the public debate phase, but the Austrian Authority declared in a directive that those provisions shall apply to future outsourcing activities in the regulated field which gives for the first time guidelines under what circumstances cloud computing is admissible.”

The Cloud Act was drafted in the US just recently to change data privacy and government surveillance laws. Anderl explains that the act is designed to “ensure that American authorities have unrestricted access to data of US providers, even if the data is processed and stored abroad.” According to him, “this is a huge issue now, and might have bindings with the GDPR, for it impacts data exchange and outsourcing, and might weaken privacy protection.”

Ultimately, Anderl believes that the Austrian business market is doing well. “Our economy is stable. M&A business is rising again, foreign investors are finding a friendly environment here, which is another sign of a good economic situation. At the same time, as a consequence, insolvency went down, and also arbitration is not as active as it was the past couple of years.”



**All articles from this section and many more other legal analysis articles are available online in our “Analysis” section:**

[www.ccelegalmatters.com/analysis](http://www.ccelegalmatters.com/analysis)

## UKRAINE: APRIL 23, 2018

**“Businesses did not make use of [the WTO’s] trade protection instruments, but now there is greater understanding that the mechanism effectively protects business.”**



The sanctions imposed in 2016 continue to affect Ukraine, reports Anzhela Makhinova, Partner at Sayenko Kharenko in Kyiv, with relevant provisions continuing to evolve and influence the country’s economy.

Among the more recent developments are the further application and change of mutual trade limitations imposed by Russia and Ukraine on each other. At the end of 2017, Russia expanded an existing embargo against Ukraine goods, which led to retaliatory actions from the Ukrainian side. Moreover, she says, sanctions imposed by the President of Ukraine under the “On Sanctions” Law of Ukraine are also being revised, pointing to the March 6, 2018, extension of sanctions of Russian banks by the President of Ukraine that affect their activities in Ukraine.

Makhinova reports that restrictions applied by Russia and Ukraine on one another have, unsurprisingly, resulted in an increase in the number of WTO disputes between the two countries. At the moment, she says, four Ukrainian and Russian disputes have been referred to the WTO. Two of them – DS 499 (initiated by Ukraine and involving Russian restrictions on Ukrainian import of railway equipment and parts, with a WTO panel report expected this spring), and DS 512 (initiated by Ukraine and involving restrictions imposed by Russia against Ukrainian transit destined to Kazakhstan and Kyrgyzstan through its territory – are expected to be resolved by the end of 2018. Makhinova singles out DS 512 as “an extremely significant case, because these restrictions destroyed all the traditional transit routes for goods as historically applied.”

The other two – DS 532 (Ukraine’s claim against Russia in regard to various restrictions on Ukrainian juice products, beer, beer-based beverages, other alcoholic beverages, confectionary products, and wall paper and similar wall coverings),

and DS 525 (a Russian claim contesting the Ukrainian embargo and sanctions imposed due to the situation in Crimea, Donetsk, and Luhansk) – are at the initial stages and will be resolved at a later date.

New trade legislation is being prepared in Ukraine, including an Anti-Dumping Law, Anti-Subsidy Law, and Safeguard Law. Although Ukraine entered the WTO in 2008, Makhinova says, “businesses did not make use of its trade protection instruments, but now there is greater understanding that the mechanism effectively protects business.” Hence, she says, there has been a rise in trade defense proceedings in Ukraine and a resulting need for changes in legislation, and she describes the previous regime, which came into force in 1998, as “outdated, lacking transparency, and not fully corresponding to the recent trends and WTO jurisprudence.”

According to Makhinova, new legislation submitted to the Verkhovna Rada – Ukraine’s unicameral parliament – for consideration at the end of February 2018, complies with WTO requirements and includes “progressive innovations.” These innovations include initiating trade defense proceedings *ex officio* by the Ministry of Economic Development and Trade of Ukraine, which she describes as “very important to react against urgent situations created by unfair imports.” The legislation also introduces the concept of “market distortions” similar to the EU. The law’s “clear and transparent procedure will also allow foreign and local businesses to participate in investigations and have a clear timeline,” she says, explaining that the current law is “tedious, ineffective, and unable to fully protect business rights.”

At the end of 2017, Makhinova reports, the Cabinet of Ministries of Ukraine approved the Export Strategy of Ukraine for 2017-2021. “This is an action plan that indicates the key vectors of export development in Ukraine: the reform of institutions and the improvement of agencies focusing on the promotion of exports,” she says. “It is at an early stage, but the process promises to effect Ukrainian business and attract investments to Ukraine.”

Makhinova says that negotiations of free trade agreements with Israel and Turkey are on the radar, following similar agreements Ukraine entered into with the EU and Canada last year. These agreements, she reports, will benefit “Ukraine’s traditionally strongest export sectors: metallurgy, textiles, and agrarian industries.”

Finally, Makhinova claims, businesses are very interested in is the possibility of a “trade war” between the USA and China as well as other tariffs applied around the world. For instance, the EU safeguard investigation on steel products, she says, may affect the metallurgy sector in Ukraine, “so everyone is scared of what is going to happen in all other export markets.”

In light of the changes in the country, demand for legal services has been growing, Makhinova reports. “Due to the situation with Russia and general global tendencies, we see an

increase in trade defense proceedings in Ukraine leading to the growth of the relevant professional legal services as well as the development of new services such as representation in WTO proceedings. Ukraine did not previously have much experience with the WTO, so what we are witnessing now is a unique process.” As a result, an increasing number of law firms are seeking to position themselves as experts in the field.

## HUNGARY: APRIL 30, 2018

**“M&A is really blooming, the biotech and automotive sectors are strong, and ... an increase from Asian investors coming to Europe – and to Hungary.”**



“A new Civil Procedure Act concerning litigation processes is keeping lawyers wired right now in Hungary,” reports Kinga Hetenyi, Managing Partner at Schoenherr in Budapest.

The new act, which entered into force at the beginning of this year, has already caused a lot of turmoil among lawyers, Hetenyi reports. “Although it was adopted in order to speed up the proceedings and adapt them to the digital 21st century, it has caused a bit of a panic that it actually will make proceedings more formalistic. The truth is, we can’t really assess the length of the proceedings just now, because it is a new system and we have already had very mixed experiences with the new law. A lot of lawyers are reluctant about it, so right now they are just waiting to see how the first cases will work out, and what experiences others will have. This certainly decreases the number of law suits temporarily.”

Hetenyi says that the act changes procedures by dividing them into two phases. “In the first one, you have to state what your legal question is, clearly defining the claim, your arguments, and what kind of evidence you will use to back up your statement. Then, in the second phase, you are not allowed anymore to change your claims or your strategy; you can only present evidence.”

The act was created, Hetenyi reports, partly in response to accusations that litigating parties were changing directions too often during proceedings, often extending procedures inter-

minably. In her opinion, the new act means that lawyers and their clients will have to do more work before initiating claims. “They will have to be better prepared at the beginning of the court hearing, and think carefully which course of action they will want to follow, for it won’t be possible to think that we will have several months to identify the best strategy.”

Hetenyi says that, all things considered, the act should have a positive effect on business. “Litigating is always a risk,” she says, “and the outcome is unclear. As far as I can see, if you spend time on litigating, you don’t spend time on your own business. So generally, if there is less litigation-time, it’s better for business.” Still, she’s not expecting a revolutionary change. “This will only last until the court practice under the new law crystallizes; business – and the willingness to litigate – will thereafter most likely be back to the ‘normal’ level.”

Turning to the subject of foreign investment, Hetenyi points out while business usually slows during election years – “during this period politicians are occupied with the campaign and not with law-making, and businesses wait to see the result and any potential new courses of action of the government” – the recent Hungarian elections seem not to have had that effect. “This year I don’t see a slowdown in business, maybe because the elections did not bring anything new.” Instead, she says, “I would say that M&A is really blooming, the biotech and automotive sectors are strong, and I definitely see an increase from Asian investors coming to Europe – and to Hungary, as many Asian companies are pursuing Hungarian targets, or are targeting bigger European groups that have Hungarian subsidiaries.”

According to Hetenyi, the Hungarian legal market is changing, as for several years now legal services have been becoming more business-focused, with lawyers no longer being simply technicians, tied to purely legal questions. She says, “digitalization also has a big influence on the legal industry. Now we have digitalized quite a big part of the work processes, starting with archiving, dictating to machines, and creating data bases.” She claims, with pride, that her own firm is progressive in its outlook. “Schoenherr is very open to these tools,” she says. “For example we have a Record Center for project references – it is often demanded by clients that before awarding a mandate, we can show them that we have the expertise in that specific area. This data base of references helps a lot and saves us a lot of time.”

But it’s not just law firms that are faced with technological changes. In Hetenyi’s opinion, digitalization can be seen in all kinds of proceedings in Hungary. “We are experiencing important improvements in court proceedings, administrative proceedings, and so on. It is a big step forward that we can file applications and petitions everywhere electronically and inspect documents in the courts’ and the authorities’ files online.”





# KCG PARTNERS

YOUR LEGAL TEAM IN HUNGARY



EMPLOYEE STOCK  
OWNERSHIP PLANS



INDUSTRIAL  
DEVELOPMENTS

WE ARE WHAT  
WE PRACTICE



IT / DATA  
PROTECTION



M&A /  
INVESTMENTS

REGULATORY  
COMPLIANCE

# GAUGING THE GDPR IN THE CZECH REPUBLIC

**On May 25, 2018, the General Data Protection Regulation finally came into effect, imposing new requirements on organizations within the European Union and on those outside the EU that offer goods or services to EU data subjects or monitor their behavior. To learn more about the state of readiness in one such country, we spoke to Schoenherr attorney and Data Protection specialist Eva Bajakova in Prague.**

**CEELM:** Eva, has the GDPR been fully adopted into Czech law? Were the changes from previous Czech law substantial?

**E.B.:** On May 25, 2018, the GDPR became directly applicable in the EU, plus Iceland, Norway, and Liechtenstein. In order to better link Czech law with the GDPR, some partial aspects of the GDPR will be regulated in a new Czech Data Processing Act, a draft of which has been finalized, but which awaits parliamentary approval and signing by the president. The act was not passed in time, which is likely to lead to some legal uncertainty.

The GDPR represents the greatest change in Data Protection law in the last 20 years. The GDPR introduces higher

privacy standards. What was considered merely good practice under current legislation has become mandatory under the GDPR. And of course there are some new obligations too, such as the obligation to notify the supervisory authority of a personal data breach, and (for some) the obligation to designate a data protection officer. After May 25, 2018, infringers may be fined up to EUR 20 million or 4% of the undertaking's total worldwide turnover, whichever is higher.

**CEELM:** What were the highest fines ever imposed by the Czech supervisory authority under the previous regime?

**E.B.:** The record fine imposed by the Czech Office for Personal Data Protection was CZK 4.25 million (approx-

mately EUR 167,000) in May 2017 on a spammer company. However, spamming is regulated by special legislation. The highest fine ever imposed based on the old Data Protection Act was CZK 3.6 million (approximately EUR 140,000) in April 2016 on a mobile operator whose employee allegedly stole the personal data of 1.2 million customers. Such fines seem ridiculously low when compared to the maximum fine for data breaches under the GDPR.

**CEELM:** What's the general level of readiness of companies in the Czech market?

**E.B.:** It's a work in progress. According to data published by the Czech Chamber of Commerce in March 2018, over 80% of Czech companies knew that they



needed to implement the GDPR. The survey was conducted in late January and early February, with 580 companies of all sizes taking part. Still, with almost 500,000 companies in the Czech Republic the overall level of readiness is difficult to estimate. My estimation is that the majority of active companies are at least partially GDPR-compliant.

**CEELM:** What particular aspects of GDPR compliance are companies pushing back against the most?

**E.B.:** When implementing the GDPR, many companies find that their internal data processing procedures need to be adjusted to process only what is necessary and to comply with the “need to know” principle. Unfortunately, some

companies are also discovering that they cannot rely on consent for personal data processing gained under the previous legislation. They then have to invest a lot of time and effort in obtaining new consents that are GDPR compliant.

**CEELM:** What’s your personal view of the GDPR, and on the issue of data privacy in general? Do you believe the GDPR represents an appropriate balance of various interests, or does it go beyond what is necessary?

**E.B.:** Prior to March 2018, nobody had heard of Cambridge Analytica. I believe that the recent data misuse scandals, like the one involving that company, show that a better legal framework is needed. One of the main goals of the GDPR is to give people more control over their personal data, which is a good and reasonable aim.

I see the GDPR as a compromise in some ways. It targets all types of companies – large Internet companies (including social networks) as well as small businesses. Of course, for smaller businesses, the GDPR can mean too much paperwork. On the other hand, time will show how efficiently the GDPR can regulate the biggest Internet players and if an extra layer of regulatory tools should be added for them.

**CEELM:** What steps has Schoenherr taken in the Czech Republic to help keep clients informed and prepared?

**E.B.:** Schoenherr has published several detailed newsletters about the GDPR. My colleagues in Prague have also discussed the GDPR at business breakfasts for our clients. GDPR-related topics are very popular throughout Schoenherr’s CEE network. It is a bulky piece of legislation and clients want to know how to deal with it effectively. Currently, we are involved in numerous GDPR projects, some of them covering various European jurisdictions. It is very rewarding work with great international reach.

**CEELM:** Will you be continuing these sorts of efforts to help non-compliant



**Eva Bajakova,  
Attorney at Law,  
Schoenherr Czech Republic**

firms deal with potential inspections or potential penalties?

**E.B.:** Absolutely. Schoenherr will closely monitor how the GDPR is enforced in practice. We are prepared to update and alert our clients.

**CEELM:** The GDPR is really sucking the air out of the room at the moment, but are there any other issues you and your team are paying attention to right now?

**E.B.:** My colleagues are paying very close attention to a recent amendment to the Czech Republic’s Public Register Act establishing a new register of ultimate, beneficial owners. The aim of the new law is to clearly disclose corporate ownership structures. Czech companies are obliged to register their beneficial owners by January 1, 2019. For trusts, the deadline is postponed until January 1, 2021.

**CEELM:** Finally, if you had to give one piece of advice to clients who are only starting the process of becoming compliant now, what would it be?

**E.B.:** To think about who is most likely to complain to the supervisory authority. This is a good way to prioritize what needs to be done. The Czech Office for Personal Data Protection often initiates its inspections based on a complaint.

**David Stuckey**



# MARKETING LAW FIRM MARKETING: THE SUPPORTIVE PARTNER



**To a large extent, the ability of law firm marketing and business development experts to successfully promote the firms they work within depends on the support they get from their firms' partners. So we asked them: What partner at your firm would you single out for her/his recognition of the value of what you do and ability to get you what you need efficiently and quickly?**



Our most BD & marketing-oriented partners are Tamara Jelic Kazic, who heads the Croatian tax team and coordinates the CEE tax team, and Gregor Famira, Partner in Vienna, Ljubljana, and Zagreb.

Both come across as business-oriented solution seekers, and both are constantly exploring options for how to deepen their client care. This matrix – which consists of their clients' needs on one side and the entirety of the legal framework on the other – is constantly cross-referencing in their heads. They emerge into their clients' industries and they appreciate the specifics of each sector. Using that principle and that logic, they appreciate the stuff we – the marketing and BD people – do for them.

These are the people who often engage into lengthy and peer-like discussions with their BD staff on new products, new markets, new approaches. They are responsive to new initiatives and willing to discuss almost any aspect of doing business within this very traditional profession. They do not micro-manage and both give credit to non-lawyers where credit is due. Both appreciate high-quality and content-friendly media exposure and refrain from click-baits and sensationalism.

Most importantly, they promote this principle with their teams, with their peers, and with their juniors. Their support is not only theoretical or declaratory. They follow through with their promise of support, they invest in their media contacts, and they use their own reputation to help push a new product on the market.

Finally, they are generous when it comes to knowledge-shar-

ing. Their Business Development specialists will never be pushed aside and left hanging in the dark. Quite the contrary, both will include their BD specialists in the fee structuring and fine-tuning of their pitch documents and share all their accumulated legal and business know-how in the process.

There's no money in the world that could make me write this if I didn't mean it.

**Jelena Bosnjak,**  
Business Development & Marketing Manager,  
CMS Croatia



I embrace the opportunity to state that, without a doubt, Founding Partner Alina Popescu elegantly stands at the very top of my list. Just to be clear, all the firm's partners contribute with at least rankings, networking, and editorial-related marketing activities, but Alina actually enjoys getting involved. Her outstanding communication skills and understanding of the marketing mechanisms make her an ideal person to work with. Although when working with budgets her flawless memory might be a bit of an impediment when renewing various subscriptions, her narrative skills, combined with the pleasure of writing, turn legal articles into utterly comprehensible work for all readers (including non-lawyers, such as myself). Her door is always open for marketing-related subjects, she supports and encourages CSR as well as promotional endeavors, and, marketing-wise, she is the first of firm's partners to be "blamed" for all image and brand related achievements (and on the same note, for shaping my entire legal marketing career as well).

**Olivia Popescu,**  
Marketing & PR Manager,  
Maravela | Asociatii



The first person who comes to my mind is our Managing Partner, Tomasz Zalewski. He's a good manager to work with because he trusts the marketing team and allows us to make independent decisions and take responsibility for what we do. Tomasz gives us free rein on many issues, which is vital for marketers who are creative and independent, just like my team. He is eager to take part in a range of business development initiatives and really understands why it's important. I appreciate Tomasz's great

sense of what marketing of legal services is all about, and, consequently, I never have any doubts as to what he expects from us. In his practice, Tomasz handles the legal aspects of AI and other cutting-edge technologies, but in person he's no robot. He's a genuinely nice person who approaches us with a smile and respect.

**Aleksandra Makulinska,**  
Marketing and PR Manager,  
Wierzbowski Eversheds Sutherland



I would like to highlight Zinta Jansons, who is Partner and Head of Tax at the Ellex office in Latvia. Zinta has been working at the firm for almost 15 years, and I believe that she serves as an inspiration not just for me, but for other colleagues as well. It is not only because of her being hardworking and efficient, but also due to her kindness, responsiveness, and friendly approach. Zinta often gets involved in marketing-related matters as well, and her opinion and original ideas are always highly appreciated. Another aspect is the fact that Zinta is always quick to help and give advice, even though she is very busy with client work on a daily basis. This is especially true in critical moments, for example, when it seems like there is no solution, she is always able to suggest something to save the day!

**Krista Lielauza,**  
Marketing Specialist,  
Ellex Klavins

It is a challenge to communicate [our values] by marketing means. Cooperation among lawyers and partners is of particular importance here. Our Managing Partner Eugenija Sutkiene greatly contributes to this purpose. Far-sighted as she is, she puts emphasis on reputation's influence on client satisfaction and the attraction of new clients, underlining the necessity of applying innovative solutions not only in the area of legal services but also in improving the marketing strategy.

Eugenija is perfectly knowledgeable about local and international legal services markets and modern tendencies in the field, and she relates her experience and knowledge to the guidelines for the formation of the law firm's reputation.

**Rasa Kasete,**  
Head of Marketing and Sales,  
TGS Baltic, Lithuania

# INSIDE INSIGHT: INTERVIEW WITH HELENA KOKOT OF ZAGREB INTERNATIONAL AIRPORT

Helena Kokot is the Director of the Legal Affairs Department at the Zagreb International Airport. She joined the ZIA in 2014 after 12 years in the telecommunications sector with Croatian Telecom and T-Mobile Croatia. She got her law degree from the Faculty of Law at the University of Zagreb in 1999.

**CEELM:** Why did you choose to become a lawyer?

**H.K.:** When I was a little girl I dreamt of dancing, acting, and writing, and I was making regular pocket money during my school days as a local journalist. I do not know why, but I never felt that these interests were serious enough to become my occupation. At the same time, I could picture myself doing “right and meaningful things” and “fighting for good against wrong.” I did not realize that not all lawyers defend human rights or are litigators in cases to help the weaker party, which a child usually sees in movies, but it felt like this would be worth my time and education. Once I finished law school and started practicing law, I soon realized that my need for justice helped to understand why a legal norm or a rule in fact entered the legal system, what the purpose of the law was, and how I could apply it or challenge it in order to solve or avoid problems – and how I could explain this all to clients to be on the right track. I have

been guided by this feeling and understanding in my everyday work as a lawyer. Of course, there are some rules that really frustrate everyone, but isn't it, at the same time, the beauty of this job – to find the right solution for your client no matter what the legal frame is?

**CEELM:** You started your career in a law firm. How did you adapt to working in-house?

**H.K.:** In some way the first years of working as in-house lawyer, after three years of going to court and different legal bodies every day, was a new start for me. At first it seemed even easier to work with no “real legal problems” – or so I thought – because I finally had the chance to prevent problems by legal work, advice, and control of business, unlike in a law firm, where lawyers deal with already-created problems and are stacked with client projects or breached regulations by clients.

I think this impression was possible be-

cause I started to work in a green-field mobile operation, just kicked-off by a major telco incumbent in Croatia. The mobiles business had the great opportunity to start from scratch, with no inherited past, no unsolved proceedings. The legal work was concentrated on putting due and efficient care of all legal aspects and of challenges in the setup of a new organization (in concurrence of the market share and trust of customers), on creating and building competitive products, services, and mobile infrastructure, and on solving disputes with partners or customers in an amicable and partnership way. I remember these years as demanding, creative, and thrilling, so I guess it was a challenging and motivating adaptation.

**CEELM:** What are the biggest challenges in leading the legal department of an international airport?

**H.K.:** The biggest international airport of Croatia is, as of end of 2013, oper-





ating under the business model of long term concession partnership between foreign investors and the Croatian state, where the pre-defined milestones of the concession plan are approved and expected by the concession grantor, lenders, and shareholders. This is quite challenging in a growing industry that requires coping with increasing amounts of traffic and airline and passenger demands at the same time.

Timely construction of new airport facilities and managing airport operations within such milestones need to be to the benefit of all these stakeholders and in an absolute legal compliance, not only with regulations, but with the concession and financing agreements.

On the other hand, constant commercial and traffic pressures require specific legal guidance, solutions, and support in all re-

structuring projects the concessionaire is implementing to the inherited organization, in human resources and equipment, in order to increase the airport's efficiency and competitiveness in the country and in the region.

From the beginning of the concession, the legal department was managing, preparing, and implementing the tenders, negotiations, approval processes, and closing of sales, as well as the restructuring of other companies under control of concessionaire. The legal department supported different processes in the construction phase of the concession and in settlements with the contractor and different permitting bodies on various issues that occurred and could have delayed construction.

For the timely opening of the new passenger terminal the lawyers were involved in all tenders for providers of airport activities and tenants. My legal team was at one-point handling numerous negotiations in parallel with different parties to close all the contracts related to the new terminal before its opening. In addition, our lawyers were helping make and implement terms and policies for airlines, passengers, and other airport users, as well new insurance schemes. We also have specific legal regulatory issues to tackle in the area of air traffic regulations, and we already have new projects on the horizon to continue increasing airport efficiency.

**CEELM:** What skills are most critical in your line of work?

**H.K.:** We need to handle a variety of legal subjects, providing not only regular legal support to airport activities and management, but also coping with all required additional concession projects. So, we need to have – and we do have – lawyers able to handle different legal items simultaneously and to manage our time and daily priorities with our dedicated involvement in separate projects. In this line of work research and writing abilities are critical, as is logical reasoning, attention to detail, an ability to ask the right questions, and good communication skills, and maybe most importantly, an orientation to the

best results in the available time.

**CEELM:** What lawyers most inspired or educated you at the beginning of your career? What did you learn from them?

**H.K.:** Those who are ready and able to put their time and energy into solving and fixing complex legal situations. They are intrigued by it and they do not quit, as they are able to look at a problem from many angles to finally find the one that corresponds to the best possible legal solution. And those lawyers who are willing to pass their knowledge to others to get even more back. Such legal minds and attitudes motivate me to push my limits and not to forget to share new experiences and understandings with my colleagues.

**CEELM:** How do you relax after a long day at work?

**H.K.:** Mostly with my family, although when it comes to my kids, it is again active relaxation like playing football in the park or doing other outdoor activities. When I find real free time for myself only, I take it for classic activities like reading, working out, or just spending my time meeting friends in the city to chat, catch up, and maybe go to a concert or movie together.

**CEELM:** What one thing would people be most surprised to know about you?

**H.K.:** Small things, like I am a true fan of the old Nick Cave music and roller coasters. I also love long trips – my favorite times for day-dreaming. Such things nicely go together for me.

**CEELM:** If you hadn't become a lawyer, what other profession would you be doing? Why?

**H.K.:** Looking back at your first question and my reply, I guess I might have been a journalist or something in the acting business. But actually, I do not know, I never thought too much about it. If it had to be something different, I wish it could be something to discover my new me.

Hilda Fleischer

# MARKET SPOTLIGHT: HUNGARY



## In this section:

- |   |         |
|---|---------|
| ■ Guest Editorial: Vanity Fair                                  | Page 47 |
| ■ Developments in Development: A Hungarian Round Table          | Page 48 |
| ■ Market Snapshot   | Page 58 |
| ■ Inside Out: Dentons and CMS Advise on Credit Facility for MOL | Page 61 |
| ■ Expat on the Market: Christopher Noblet of Hogan Lovells      | Page 64 |



## GUEST EDITORIAL: VANITY FAIR

In the summer of 2000 I was working for the University of Vienna, spending my time on academic research and fighting with topics like the (lack of) enforcement of judicial awards in Austria and Hungary. My one-day seminar at the University of Economics (FOWI) brought me several interesting contacts, including some young lawyers from the classy law firm CHS, that resulted in an offer to develop a new partner firm for CHS in Budapest.

It wasn't simply the challenge of diving into the hot and competitive life of international law firms in Budapest that was interesting but – for me as a country boy – the life in Budapest. I had to learn very quickly that knowledge of the law and the ability to solve legal problems alone are not enough to attain prosperity; human management, financing, acquisition, and marketing became the prominent words in my daily life.

The differences between the legal markets in Budapest and Vienna became evident very early on. The Hungarian market was dominated by big international players, while the Austrian bar protected its home market very effectively, meaning that the top places in the legal rankings were occupied by local (Austrian) firms. The other thing was the differences in transparency. Lawyer rankings, deal reporting, ads, newspapers, and online marketing service providers reported every important event or case in the Austrian market. The Budapest market, however, was quiet. Better to close all doors and keep a golden silence, to protect the profession from snooping eyes. Legal marketing was even prohibited. There was clearly a connection between the number of registered attorneys (there were more in Budapest alone than in all of Austria) and the profitability of the legal profession (hourly rates of EUR 300 in Austria vs. EUR 30 in Hungary).

This has all changed. New publications try to open a window on the daily work and life of attorneys. And a certain transparency in a segment of lawyers' business has developed through deal reports. Still, it's not enough. Indeed, one of the more significant attempts to impose transparency in the Hungarian system failed. In 2013 the Act on Attorneys was amended, and in 2015 law firms were required for the first time to publish their annual reports (based on 2014 figures). A couple of days before the expiry of the relevant deadline (May 31st, 2015), however, parliament quietly changed the rule and removed the publication obligation. By that time many firms had already published their financial data. Those that had not obeyed the rule must have known the future. Typically Hungarian, or as we say, "Hungaricum." This is why there is no oversight on the financial success of Hungarian law firms. Good for the affected lawyers, bad for the market and transparency.

In this context, then can the public become informed about the strength and quality of legal services? As a result, I often see clients taking very different approaches in choosing legal advisors. For instance, recently we participated in a tender for legal services for the development of a new headquarters of a



leading financial institution. The tender was managed by the institution's procurement department, and participants were asked for fixed fee proposals for assistance in: 1) buying a property, building a new structure, and covering all necessary legal services; 2) buying nothing but entering into a lease; or 3) buying an old building and managing a refurbishment project. The scope was indefinite, and the price of the requested legal services was required to be fixed, as it is with buying any goods on the market. Oh my God! What effective and working client attorney relationship can be built that way? Or to choose perhaps a more striking analogy: who has ever seen somebody with heart disease waiting for the operation and choosing their doctor by tender where only the price is the determining factor?

If you look around you will realize that money alone rules the marketing market. If you pay, you will be mentioned. For example, I receive emails every day from self-made market researchers informing me that I am the best on the Hungarian market and the "Real Estate Lawyer of the Year" title is now within reach. I only need to buy their specific package and will find myself in heaven. There is an entire business that has been developed based on the vanity of our profession.

Of course, there are exceptions. Several of the most well-known international law firm ranking services for example, undertake genuine market research and listen to the recommendations of other lawyers who have had good experiences with their competitors. Still, they are exceptions.

Something has gone wrong. And this is why we need fair and independent market analysis, valuations coming from clients and, even better, from colleagues sitting on the other side of the table, more transparency, and value-based rankings. And this should be achievable even though we still live in a society that has not radically changed from the one described by Zsigmond Moricz in the novel *Relatives* (Rokonok).

**Laszlo Szecsenyi, Managing Partner,  
Szecsenyi & Partners**





# DEVELOPMENTS IN DEVELOPMENT: A HUNGARIAN ROUND TABLE

The Hungarian real estate and housing market is experiencing golden days. Although the market took a serious hit during the financial crisis in 2008, today enormous sums are again being invested in office buildings, shopping malls, hotels, residential areas, and retail. In order to map the underlying reasons behind the market's boom, and to better understand how the country is dealing with the high demand for development lands and properties, CEE Legal Matters sat down with six Hungarian lawyers specialized in Real Estate & Construction and a Legal Counsel from Prol-ogis, a Real Estate & Supply Chain Logistics company.



### Round Table Participants:

- Judit Kovari – Dentons (Host)
- Attila Ungar – Lakatos, Kovacs és Tarsai
- Christopher Noblet – Hogan Lovells
- Gabriella Galik – KCG Partners
- Ildiko Kollar – Prologis
- Sandor Haboczky – Kapolyi Law Firm
- Szilard Kui – DLA Piper

### CEELM: What has led to the current boom on the Hungarian Real Estate market?

**Christopher Noblet:** I think the Hungarian real estate market has really been on a long journey over the last ten years since the global financial crisis. It has moved up considerably in the last couple of years. International funds are looking to put money into real estate here, whether in the form of offices, logistics, retail, or residential. Investors are seeing Hungary now as leading with pricing, product, and so on, and investment is much more in the forefront of their minds when looking at CEE than it was as recently as a couple of years ago. Speaking of pricing, reports indicate that if you look at yields around the region, Hungary appears to benefit from a positive yield difference, and if your view is that there are no additional risks investing right now in the country, this makes the country an obvious destination for investment right now.

**Judit Kovari:** I fully agree with Christopher. Hungary was seriously hit by the 2008 financial crisis – especially its real estate market – however, in the last couple of years we are experiencing a very positive trend, and we are getting close to the pre-crisis level. I'm not familiar with the latest market statistics, but definitely the investment volume is increasing year by year. There are certainly different views and expectations regarding prospects for the future: there are investors who are less optimistic and more cautious, who – especially if they acquired assets at a relatively low price – are mostly trying to realize their gain now. Others, who are more optimistic, and putting their trust in the potential of the market, are still investing. These two types of attitudes keep the local market moving nowadays.

**Szilard Kui:** I am also cautious, actually, because one of the major driving forces behind this phenomenon was the enormous amount of capital put into the Hungarian real estate funds, and there was huge competition between these funds to acquire commercial properties and make returns. In this perspective,





Judit Kovari

I am a bit cautious because I don't see this huge influx of money continuing to flow into these real estate funds, as they will see compressing returns and greater competition for investors' money from other investment vehicles and types, and probably also from the stock exchange.

The other issue is that I think that there seems already to be a shortage of investment properties to buy. Currently, there are only two or three first class investment products on the market. Everyone is looking at Mill Park right now, to see if Skanska is going to sell it at six percent, or a little bit above that. I think everyone is waiting to see how this deal will go, and if it goes for six, or a little bit below, it will definitely be a turning point, and people will start referencing the transaction and aiming for a yield below that number.



Attila Ungar

**Attila Ungar:** First of all, yes, for the last two years the number of real estate transactions has substantially increased in Hungary. There are various reasons for that, but the difficulty is that the period from Hungary's EU accession up until the crisis was too short to develop high-quality real estate products. 2004 was the accession year, and then the market opened up for various foreign institutional investors. Before it had been dominated mainly by Austrian, Israeli, and some German investors, but after 2004 it opened up to the larger public, until 2008, when the crisis came. There were a large number of assets which were not possible to sell for about a decade, and one of the reasons for the activity in 2016-2017 was that these investors had to exit. Some funds were closing down, and they were forced to sell their assets, sometimes not for the best price, and practically this brought the market back to its feet.



Christopher Noblet

Second, we have to acknowledge that there is a large amount of cash flowing in from the global market, and everybody is looking for investment, and as Christopher mentioned, there is still a yield gap between Hungary and other countries in the region. If you look at Warsaw and Budapest, there is still about 1-2% yield difference, and that's why investment is



Gabriella Galik

looking for places here. On the other hand, I think that Hungary was always exposed to global economic trends, meaning that whatever happens on the global market, will immediately hit this market as well. So my personal view is that the money which is not spent elsewhere is still continuing to flow in. The other aspect is that local players have become much more active than they were in 2007-2008. There is a strong group of Hungarian investors like the OTP and Erste real estate funds buying up assets. These new players are appearing on the market in numbers, which gives a whole new angle to the market's activity.

**Gabriella Galik:** Hungary is indeed a good place for investors right now, and not necessarily just real estate – other sectors are also going well. Wages are still lower than in other parts of the region and we have an available workforce. What we see is that many of investors are deciding to come here instead of Romania or Slovakia, either around Budapest, or to the countryside, although it is getting more and more difficult to find a place near the capital. One of our clients looked for two years to find a good location near Budapest.

We should not forget that the Hungarian state itself has become an important player on the real estate market. I think it started with the Hungarian National Bank's transactions and other important acquisitions in the last couple of years. This is the same as with industrial developments – we see these industrial park developments conducted and led by the Hungarian government. This is another factor for increased market activity.

**Sandor Haboczky:** The country's fiscal stability is also good for the investments in the sector and is supporting the growth. The National Bank implements fiscal measures in a way to keep the interest rates low and the country attractive for foreign investments. In addition, both the government and the National Bank seem determined to keep the momentum alive by stimulating HUF-denominated mortgage financing of households as



well to provide a favorable climate for project financing. The Hungarian forint qualifies as a stable and predictable currency, and the EUR/HUF exchange rate is also quite constant – it might have only changed or fluctuated slightly through the past couple of years.

Another factor we have recently seen is the disposal of distressed assets acquired by certain investors towards the end of the crisis years, whether refurbished or restructured since then or not.

**Ildiko Kollar:** I think it is important to mention that currently there are not too many products on the market, and therefore players in the real estate sector – be it logistics, be it offices – are starting new speculative developments. And this is very typical for logistics; during the crisis there were no speculative developments at all, and now we know of at least three speculative developments that have come on the market this year alone.

**Attila Ungar:** I think this is especially true for your sector, logistics, where there is a shortage of products, and all competitors suffer from the same problem. Nonetheless, it is true that there is a shortage of development land in Budapest with good access. Reclassification is a time-consuming process, so everyone is looking for these types of products.

**Ildiko Kollar:** And that is why many developers, like the already-mentioned Hungarian state, for example, are going for secondary markets, like the countryside. There are other developers as well, who are expanding their markets, and choosing to go a bit further from Budapest.

Again, I can only speak from my sector, logistics, but the vacancy rate is unprecedented – somewhere around four percent on the logistics market – which means that if you need anything above 10,000 square meters, you cannot find it. During the crisis vacancy was 20%. This is why speculative developments stopped during the crisis. People were only building if they had a signed lease.

**CEELM: Which are the most sought-after areas for investors? We saw a lot of action especially in shopping malls and maybe logistics – how are things in residential?**

**Christopher Noblet:** I would say that offices are particularly in the focus. That's where many international investors tend to look when they come to Budapest. It's a market that is quite easy to understand. There is a lot of information on them, financing is relatively easy to obtain, and there are often fewer property problems. In my view institutional investors in this sector tend to be looking for big assets, like 100 million plus euros, or large portfolios, or mid-size office buildings with a value of 10-50 million euros.

**Ildiko Kollar:** I know that we are speaking about Hungary now, but there is a big difference between Hungary and other CEE countries. On the Czech or the Slovak markets there are secondary markets where international investors also go. Whereas I don't think that this is the case in Hungary. Here, international investors go for the primary market, and there is no speculative development outside of Budapest.

**Judit Kovari:** The Hungarian market is indeed very centralized. I also agree that the pace of the recovery varies in the different sub-sectors on the market. The office sector traditionally takes the lead and is a key indicator of the trends of the real estate market. In the years of the crisis very few office buildings were constructed and despite the relatively high overall vacancy, actually there was a shortage of prime office space. In the last couple of years the rent levels have been increasing, providing a more attractive income stream for the investors. We have not experienced the same turn in the other sub-sectors yet, though the recent transactions in the retail market could generate more appetite for these assets as well.

**Szilard Kui:** This is a very interesting angle actually, because looking at the deals that we are currently doing, my feeling is that hotels are becoming the second-big-

gest investment asset instead of retail. From what I see, it seems that retail is sliding into third place.

**Attila Ungar:** One reason for this is the still existing plaza-stop. For those who don't know it, since 2011 a special governmental permit was introduced which is required for building new retail units above 300 square meters. For this reason, the value of existing units has increased, because you can't build anymore. I think that the idea behind it was to force people to shop on the streets again. Politicians saw that shops on the streets were empty, which doesn't look nice, and so they thought if people can't go to shopping malls, they have to return to the shops on the street. At the same time, these measures also favored the CBA grocery chain, which operated various grocery stores in the country. Contradictorily, CBA started to sell off its own assets to foreign chains like Spar, Aldi, and Lidl recently and made profit out of the regulations that were aiming to stop foreign owned chains growing.

It also needs to be mentioned that – and this is already true for the United States and sooner or later will be true for this part of the world too – retail purchases are moving to online platforms. The Internet penetration in Hungary is quite high, so I think it will definitely have an effect on this market. So, raising new shopping malls, I think, needs to be very carefully considered.

High street retail is another sector worth mentioning. Hotels, as Szilard said, have become a very fancy project in Hungary. Everybody is raising hotels now, and tourism is also increasing.

On residential, when it comes to apartment sales, clients typically don't need very complex, sophisticated legal advice for these types of transactions. Developers are reluctant to engage larger firms and spend substantial money on legal advice, and that's why the firms that are present here are typically not involved in these kinds of projects. Although we see

## REPRESENTATIVE TRANSACTIONS

We invited participants in the Round Table to identify a significant Real Estate Hungarian transaction they had concluded in the last 12 months.

September, 2017: DLA Piper advised Lanebridge Investment Management Limited on the sale of the Arena Plaza shopping center in Budapest (the second largest retail center in Budapest, with gross leasable area of 66,000 square meters and an annual footfall of more than 10 million people) to NEPI Rockcastle plc. (CMS advised the buyers).

November 2017: Lakatos, Kovacs & Partners advised GLL Real Estate Partners on a sale by one of the funds it manages of the BSR Center office building (pictured below) on Váci ut in Budapest to OTP Property Fund Management. (DLA Piper advised the buyers).



January 2018: Dentons advised Marathon Asset Management/MCAP Global Finance in connection with the acquisition and related financing of the Nepliget Center office building (pictured below) in Budapest from a fund managed by GLL Real Estate Partners. (Lakatos, Kovacs & Partners advised the sellers).



January 2018: Kapolyi Law Firm advised Takarek Invest on the transfer of a significant real property located on Andrássy street in downtown Budapest into Appeninn Plc, a public shareholder holding company listed on the Budapest Stock Exchange, by way of in kind contribution of the property in exchange for Appeninn shares.

March 2018: Partos & Noblet in cooperation with Hogan Lovells advised Goldman Sachs on its sale of a mixed-purpose property named Central Udvar (pictured below), with leasable area of 16,780 square meters and 215 underground parking spaces, in central Budapest to GalGap Europe. (CHSH advised the buyers).



May 2018: KCG Partners has been assisting France's CEVA-Phylaxia Zrt. with the selection and acquisition of a 50-hectare property in Monor, Hungary (pictured below) for the purpose of constructing a new plant for vaccine production, quality control, research & development, and other related activities, as well as with reclassification procedures, as under Hungarian law a legal entity is not allowed to purchase agricultural land.



the effects of this, and sometimes we get involved, but this is not a main area for any of us.

**Sandor Haboczky:** As for popularity of investments, office is still on the top, at least based on our own ongoing assignments, including some really big, landmark type of projects. We also expect the booming trend to continue with hotel developments and investments. Many still think there is good potential in Budapest, especially when it comes to investing in a higher level travel or hotel experience and quality tourism. Budapest is lacking capacities of top quality accommodation, with finer art and architecture in its hotels. Some are skeptical about the real volume and potential, but we do believe good accommodation and tourist concepts as well as innovative or interesting design can attract even more guests and make hotel investments and developments a good business even beyond the very center of Budapest. Size, location, and services are key factors here as well.

**Attila Ungar:** Developers typically have their own internal lawyers. When it comes to selling, individual lawyers are playing the role there. They ask for a fee of certain percentage of the property value, but that's a different market. And you don't see these big apartment blocks just built for rent, because Hungarians like to own their own flats – I think the ownership of the flats in the country is around 90%. Here everybody wants to own and not rent. So you don't see residential developments prepared solely for renting, because there isn't a big market for that.

**Gabriella Galik:** We actually see that more and more local individuals engaged in this business, and they do not need the type of counsel that we usually offer. As Attila said, they are not interested in sophisticated advice, but nonetheless, they would like to enter the hotel, or the residential business.

**Judit Kovari:** I wouldn't go as far to say that they don't need sophisticated legal advice; it is not necessarily about the quality of the work. The residential de-

velopers who sell apartments in a huge number to private individuals require a different type of legal assistance than those developers who deal with institutional investors. The services provided by smaller local firms are simply a better fit for these demands.

**Christopher Noblet:** In spite all of this, it's the residential developments that are on the front page if you look at a non-legal or business newspaper. Market indications seem to show that this is an area where things will continue to grow. People from the banking sector – as reported from a recent conference here in Budapest – are saying that they expect that new mortgages will increase by 15-20%, or even 30% in the next year or so. There are some question marks in the sector which may impact developments such as the ending of the preferential 5% VAT rate at the end of 2019 and the shortage of manpower in the construction sector.

**Sandor Haboczky:** As for residential, we don't really see many big residential portfolio sale transactions, but they may appear in the near future. More typically, we see individual buyers and deals; once a development is closed, flats are sold one by one, so not as a portfolio. Bigger law firms may be involved in some significant site acquisitions and in the development phase, not in the course of the sale process.

However, what we do experience is the size and volume of residential developments getting bigger, as well as a much more sophisticated approach by investors and developers. For example, more and more of them - and not necessarily the biggest - seem to start thinking of structuring their existing assets and also developments in real estate funds and available white label solutions. As far as we see, even private developers put a much bigger emphasis now on planning and utilizing tax efficient structures.

**CEELM: Who are the major players? How much of the market is covered by the Hungarian state, and who are the other investors?**



Ildiko Kollar



Sandor Haboczky



Szilard Kui

**Christopher Noblet:** I think it depends on the sector, but while ten years ago all the statistics showed that there was a huge number of investors from the UK, this is certainly shifting now, and we can see a number of Hungarian funds on the market, for example, in the office sector, now making up a significantly higher percentage of the market.

**Szilard Kui:** Foreign investors started to look at this market two or three years ago, when lots of new players appeared on the market, like Morgan Stanley Real Estate



INTERNATIONAL INDEPENDENT INNOVATIVE

---



Lakatos, Köves and Partners is the leading independent law firm in Hungary offering cutting-edge know-how and matching innovative legal solutions to business needs.

OUR REAL ESTATE PRACTICE IS:

BAND 1 IN CHAMBERS EUROPE 2017

FIRST TIER IN THE LEGAL 500 2017

LAW FIRM OF THE YEAR – EUROPA PROPERTY HUNGARIAN AND  
BALKANS REAL ESTATE AWARDS 2017

LAW FIRM OF THE YEAR – CIJ AWARDS HUNGARY 2016



LAKATOS, KÖVES AND PARTNERS  
LAW FIRM

1075 Budapest, Madách Imre út 14.,  
Hungary

T +3614291300

F +3614291390

E [info@lakatoskoves.hu](mailto:info@lakatoskoves.hu)

W [www.lakatoskoves.hu](http://www.lakatoskoves.hu)

---

CREATIVE COMMITTED CLIENT FOCUSED

Fund, K Gard, Marathon, Corpus Cerio, and NEPI. They are all new players who came in the last three years. So, there is a very substantial increase from foreign investors, but in parallel, locals are also coming up, which is good for the market's balance, for it creates competition.

**Judit Kovari:** I think that we should differentiate between the institutional and the private investors in the domestic arena as well. Indeed, the institutional investors, especially the real estate funds, have become influential players in the market and they still have huge potentials to invest. From what we see, the shareholding of these domestic investors is increasing year by year, which I think makes the real estate market less dependent on foreign investments.

**Szilard Kui:** That's a very good question, and I was thinking about it, because on the one hand, there is good reason to be happy: they are locals, things are happening domestically, and they are active parts of the economy. But on the other hand, the most active Hungarian players are open-end real estate funds, which means that they won't sell their quality assets in the near future, so the products that they acquire now will not come back to the market. By contrast, most of the German funds have to sell when the fund is over, and then we know that there will be transactions. But when I look for example at the open-end funds of Erste Bank or OTP, I am pretty sure that they are not going to sell their quality assets in the next few years.

**Attila Ungar:** The good thing about local investment is that their risk appetite is different. They know the local market well, they treat it differently, and this has an effect on the pricing at the end of the day. So, from a transactional perspective, and the perspective of the legal profession, this is a good trend. From 2009 until 2015-2016 only Poland and the Czech Republic were on the radar screen of foreign investors. This started to change in 2016 for several reasons: for example, banks started to appear on the market and they started to provide financing.

Before, all this depended on their head offices.

**Szilard Kui:** I think when we look at Hungary, we can measure ourselves against Slovakia or the Czech Republic, but Poland I think is a different league. Romania, it is more or less like Hungary, maybe a bit more risky, but we have clients who consider Romania, Hungary, and Bulgaria at the same time, and they are saying that yields have gone so low lately in Hungary that they cannot get the necessary returns for their investors, so they are kind of shifting their attention to Romania and Bulgaria, where yields are high, but the risk is also higher. I think we have gone in the right direction – we are close to the Czech Republic, and that's a good market.

**Judit Kovari:** Poland, the Czech Republic, Slovakia, and Hungary are often mentioned as the “CEE countries,” as if they would form a unified real estate region, which – in my view – is not the case. These countries actually have completely different real estate markets with different strengths and weaknesses. Nevertheless, we have seen more and more portfolio deals including assets located in these countries and generating business also for the Hungarian market which otherwise would be too small for major institutional players in itself.

#### **CEELM: How's the financing landscape?**

**Attila Ungar:** From what I see, the banks are competing for good products. I think what has changed is that they are much more cautious about giving out financings. Many of the people who are now working in these departments are have a “work-out group” background (which dealt with problematic assets) and they only want to finance feasible products. Because there is real competition, the interest rates are quite depressed now: you can get financing, but I don't think you can get it for speculative developments anymore. It worked before the crisis, but banks are not financing those anymore.

**Szilard Kui:** When I talk to bankers, what I hear is that everybody is getting eager

again in the business. There was a learning process for the banks as well, because there were so many bad debts, especially for the Austrian and Italian banks, that big deals are now approved by the headquarters, either in Vienna or in Milan, and not by the local teams. This means that banks only give their money where there is a good prospect for the development to be finished.

Also, if we look at the developer side, players are developing almost everything in funds now, which is fairly new from what it used to be two, three, or four years ago. The banks had to learn how to finance a real estate fund for the development phase, because it is totally different from an SPV structure when you look at the security package.

From what I see, they have learned this new landscape, and what's more, we are witnessing an interesting turns of events. Traditionally, the borrower paid for both the bank's legal counsel and their own, but now, for the first time, some banks have decided to pay for the borrower's legal counsel as well, because there was such huge competition between them.

**Attila Ungar:** I think it is a good trend. Before it was nonsense that the borrower was expected to pay for the bank's legal counsel, because they always ended up choosing the cheapest offer, which wasn't necessarily the best advice that you could get for the protection of the bank's money.

#### **CEELM: What are the challenges that investors are facing on the Hungarian real estate market? Is there any legislation coming down the road that might affect projects?**

**Szilard Kui:** This is a difficult question, because different investors face different issues. One issue that everyone is facing, in the case of office developments, is the length of a project. Usually it used to take 18 months to build a building, from breaking ground until handing it over to the tenants. What we see now is that this timeline has gone up to 24 months, be-

cause of the already-mentioned shortage of construction capacity. The Hungarian State and private developers are competing for the same resources, and it's a very challenging situation.

**Gabriella Galik:** For investment developers it is completely true that the competition among construction companies is not the same as before. Now the construction companies dictate the terms and conditions of a construction.

**Attila Ungar:** Construction prices are up ...

**Judit Kovari:** ... and there are developers who buy work-force from abroad or engage foreign firms for their Hungarian projects. The local construction companies are too expensive and sometime simply do not have the required free capacity.

**Sandor Haboczy:** More and more workers are also coming from abroad – for example Romania and Turkey, among other countries. I was a bit surprised when one of our developer clients decided to bring Spanish workers on board for the construction of a niche hotel in Budapest. Some of our clients are running different significant office developments at the same time either at or close to the so-called “Vaci corridor.” However, while market activity is heavy, availability of limited workforce and construction capacities limit or significantly delay implementation of these simultaneous developments. Some developers may end up in disputes with their contractors due to quality issues or delays and also struggle to keep handover dates for their contracted tenants. Especially towards the end of the development, an employer/developer is really exposed to risks associated with construction company operations. Development time is a serious issue these days, indeed.

**Ildiko Kollar:** Turning back to what Szilard said earlier, regarding the developments, in logistics we are actually decreasing our construction time. When I joined Prologis ten years ago the average construction

time was around eight months, and now it's around four. Because we have a lot of prefabricated elements in the buildings. If you have a preferred supplier, who is familiar with your developing pace, then they can plan ahead for your needs. We usually communicate in advance when we are starting a development and they have the necessary materials.

**Judit Kovari:** As for the changing legal regulations, I have to say that in the last couple of months we had to cope with some turbulence caused by unexpected new legislation introduced at the end of the last year. Stability and predictability are key factors in business, therefore we all hope that Hungary keeps offering a safe legal environment for the market players.

**Attila Ungar:** One of the surprises was introduced on January 1, 2018, and concerns the area of downtown Budapest. It establishes statutory preemption rights for the Hungarian state for non-residential real estate assets that are located in areas which qualify as “world heritage.” The problem is that a complex, big transaction takes approximately six to eight months. A huge amount of effort goes into the preparation of the transaction, with buyers spending hundreds of thousands of euros for consultancy fees and management time, and in the end the state may exercise its preemption right. And lately the state is in a buying mood, and it is exercising this right more and more often. It's an issue that in this legislation definitely wasn't totally thought through, and it limits the number of potential buyers.

On the positive side, the state is doing good things as well to support the construction industry. I would mention the preferential five percent VAT rate for residential developments which is effective until 2019. It has definitely boosted development in the residential market. VAT is generally 27%, so to cut it to five percent decreases the end product price significantly. It is a substantial subsidy, and I think the state is considering extending it.

**CEELM: Taking into consideration all the favorable aspects we've discussed, do you expect the boom to continue?**

**Attila Ungar:** As I mentioned before, Hungary is very exposed to international trends, plus there is an increasing amount of local investors. I think we can say that 2018 still going to be an active year for this area, but after that it depends on what happens globally.

**Judit Kovari:** I fully agree with Attila. The key market indicators are undoubtedly promising and the Hungarian economy is deemed quite stable in the eyes of the investors. Nevertheless, Hungary is still dependent on global trends.

**Ildiko Kollar:** From our perspective, a lot depends on what will happen with the speculative developments that were started this year. Last year all the speculative developments leased up. The question is, when will vacancy start increasing, because with this low vacancy rate, the rents are going up continuously. We have new products coming onto the market, so at a certain time the rent increase should stop. How quickly this will happen – that's the question.

From what we see in recent trends is that e-commerce is growing. Amazon is looking at the Hungarian market, which is always a big event for a country's logistics market. Another important factor that is worth mentioning is consolidation. Many logistics companies that traditionally operated from different locations, and from different buildings are now consolidating. They are deciding to operate under the same roof, to raise their effectiveness. This also means that logistics buildings will grow in size.

**With that the conversation drew to a close. We would like to thank the participants for sharing their views and opinions with us, and Dentons Hungary for their hospitality in hosting the event.**

**Hilda Fleischer**



Successfully navigating the global real estate landscape.

Dentons. Now the world's largest global elite law firm.\*

Winner of the "CEE Legal & Financial Consulting Firm of the Year" award - for the 8th time in a row\*\* - at the *CEE Real Estate Quality Awards 2018*, in recognition of our market leading Real Estate practice across the region.

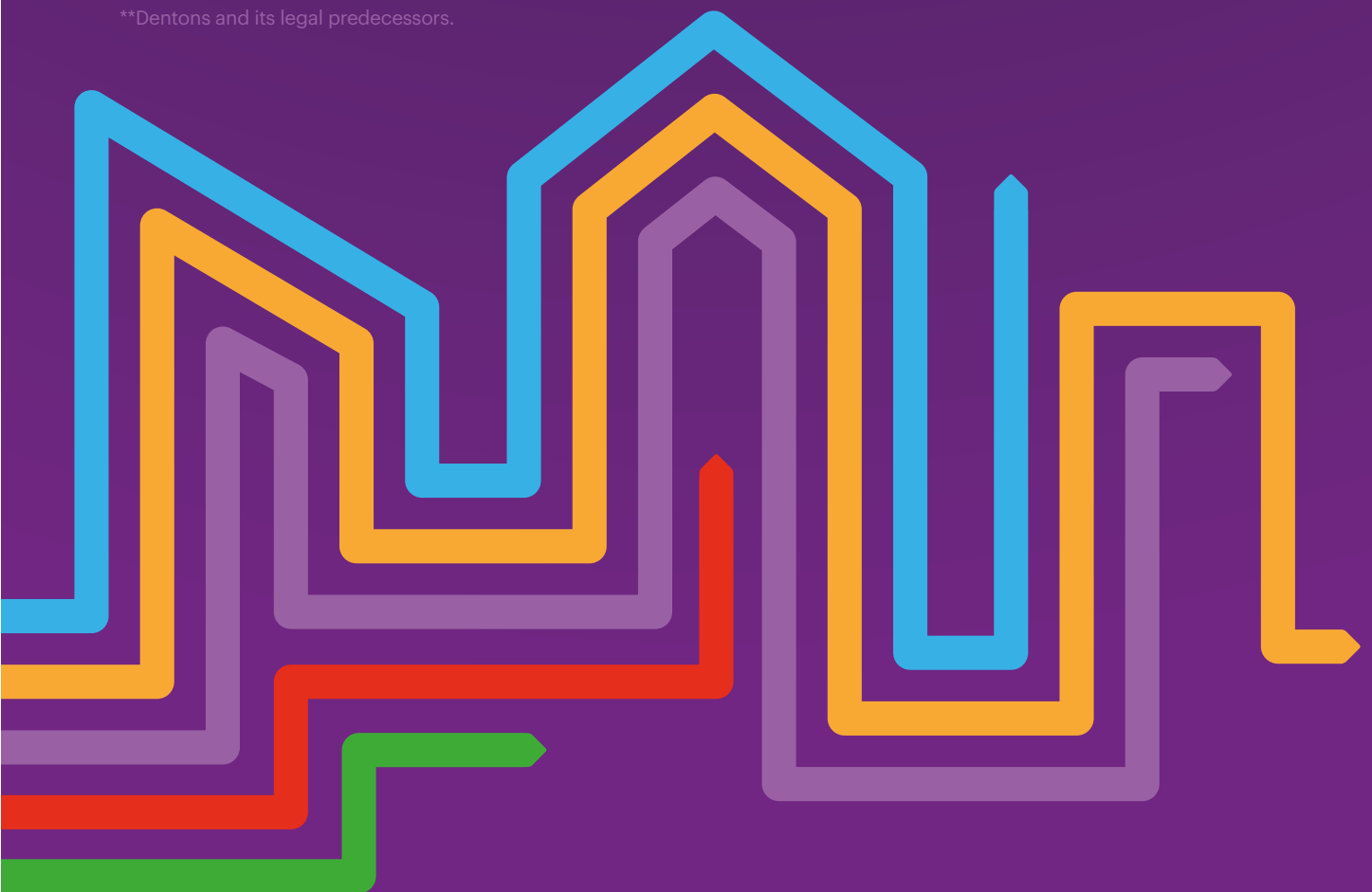
大成 DENTONS

[dentons.com](http://dentons.com)

© 2018 Dentons. Dentons is a global legal practice providing client services worldwide through its member firms and affiliates. Please see [dentons.com](http://dentons.com) for Legal Notices.

\*Acritas Global Elite Law Firm Brand Index 2013-2017.

\*\*Dentons and its legal predecessors.



# MARKET SNAPSHOT: HUNGARY

## Significant Changes on the Hungarian Renewables Market: New Limitations and Opportunities



Laszlo Kenyeres,  
Partner,  
Wolf Theiss

While no more applications for Micro Projects (those below 0.5MW) can be submitted under Hungary's very generous mandatory off-take system since the end of April 2018, the Government seems to have acknowledged that the projects already licensed under the subsidy regime may not be

physically implemented within the strict deadlines set forth in the original legislation. Therefore, it is now possible for entities that applied for licenses after January 1, 2016 to ask for a three-year extension to complete their projects without any sanction. This is good news for license-owners and potential investors, as they have a reasonable amount of time to manage the relatively burdensome permitting proceedings and can also secure project finance. This is also good news for the Hungarian state budget because the first heavy payments to the projects under the mandatory off-take system will be delayed by a few more years.

In the second half of 2016, nearly 3,000 applications were submitted to the Hungarian Energy Authority for the support of Micro Power Plants (power plants with a peak capacity below 0.5 MW). The high number of licenses awarded led to a "solar boom" at the end of that year. However, it was questionable all along whether the projects – with an aggregate capacity of approximately 1,500 MW – would actually be implemented. Although the support was attractive and offered compelling business opportunities, the 20-to-25 year reference period and imperfections in the legislation created potential risks as well.

Subsequently, the Hungarian Government changed the supporting regime with a new system as of January 1, 2017. The new regulations aimed at creating a more structured supporting scheme for the promotion of renewables, with less generous conditions for development than under the previous regime. This led to a decline in the number of applications

(only 264 – a tenth of the 2016 figures). At the same time, the legislator adopted certain laws and decrees in order to boost the implementation of ongoing projects, ranging from easier connection to the grid to free-of-charge building and development of cables, as well as easier reclassification of agricultural lands. These changes predicted a bright future for development in Hungary, especially for ongoing projects; however, the most recent actions by the Government cast some shadow on the potential new power plants.

On April 20, 2018, the Government announced that no more applications for Micro PP licenses in the mandatory off-take system could be submitted after April 26, 2018. The decision was adopted strikingly fast, and without any foresight. The underlying reasons are unknown; however, the conventional interpretation appears to be that the high number of applications posed a risk to the budget. Such a fundamental change can affect the market in many ways – for example it could lead to an increase in the market values of the existing Micro PP licenses.

With the mandatory off-take system coming to an end, the new tendering system for supporting renewables may become popular for developers. The green and brown premium tendering in case of Small PPs (power plants with a peak capacity between 0.5 MW and 1 MW) and biomass and biogas generation units, and the competitive tendering for Major PPs (power plants with a peak capacity above 1 MW) is going to be a hot topic for the near future, but there are uncertainties in the systems. Although the general rules of tendering became effective in the beginning of 2017, no tender has been issued since, and it is not clear when and under what conditions the first tender would be issued in case of a competitive tendering. It cannot be excluded that investors who have already taken certain project development steps (such as securing land, evaluating the grid connection possibilities, elaborating their business plans, etc.) may be in a better position to provide offers and file applications, taking into consideration the short period of the procedure and the fixed cap on financial support.

**By Laszlo Kenyeres, Partner,  
Wolf Theiss**

## Competition: Leniency After the Antitrust Damages Directive in Hungary: A Compromise Between Private and Public Interests?



Anna Turi,  
Head of Competition,  
Schoenherr

Fighting against cartels has always been crucial to protecting fair competition and fostering economic growth. A proper leniency program is an important instrument for the competition authorities, allowing them to uncover and penalize such anticompetitive conduct.

In this article we examine the major changes of the Hungarian leniency program after the implementation of the EU Antitrust Damages Directive (Directive 2014/104/EU (the “Directive”)) and the key factors to consider with respect to private enforcement before applying for leniency.

### Battle of Interests

Leniency applicants may be rewarded with full immunity from fines if they are the first to notify the Hungarian Competition Authority (HCA) of the yet unknown cartel and provide sufficient information to conduct a dawn raid or to prove the existence of the cartel. If they are not the first, but they supply additional evidence that corroborates the findings of the HCA, they can obtain a significant reduction of the fine. Recipients of full immunity enjoy a favorable position in private enforcement cases.

On the other hand, there is increasing demand from harmed customers/parties for the highest possible compensation for damage caused by cartels. Otherwise they might feel that their legitimate interests in getting compensated is secondary to the interest in protecting the company, which – despite cooperating with the competition authority – still committed the infringement.

In seeking to create a balance, the Directive provides guidance on two major private enforcement issues: (i) access to leniency files for the harmed parties, and (ii) the extent of liability of the members of the cartels for damages.

### Access to Leniency Statements

In leniency statements, the undertaking applying for leniency is required to describe the functioning of the cartel. Providing full access to these files might deter members of the cartel from cooperating with authorities, as doing so could expose them to third-party litigation.

The Hungarian legislator already protected leniency statements prior to the implementation of the Directive. Since July 2014, the Competition Act has authorized the HCA to deny access

to its files if disclosure would jeopardize the successful application of the leniency program. The HCA and the courts were therefore left to balance the private interests of consumers and the public interest in protecting leniency applicants on a case-by-case basis.



Mark Kovacs,  
Associate,  
Schoenherr

Following the implementation of the Directive – which is also applicable to ongoing proceedings initiated after December 2014 – leniency statements and settlement submissions enjoy absolute protection. They may never be disclosed, even by court order. If the claimant specifically asks for a document to be disclosed, the court will assess whether the document in fact falls within the protected category.

### Liability of an Immunity Recipient for Damages

Only leniency applicants granted full immunity from fines are – to a certain extent – protected by law from the payment of damages.

For infringements committed after June 2009, immunity recipients (if the HCA granted the immunity) were entitled to refuse to pay the cartel damages as long as the entire amount could be enforced from other liable members of the cartel. Once they paid, these other members could then claim a contribution from the immunity recipient to the extent of its fault in the infringement, and this amount was not limited.

After the implementation of the Directive, however, the immunity recipient – regardless of which EU competition authority grants the immunity – is only jointly and severally liable to its direct and indirect purchasers and suppliers in case of infringements committed after January, 2017. The other injured parties may only seek redress from the immunity recipient if full compensation cannot be obtained from its co-offenders. Co-offenders, along with leniency applicants granted only a reduction of the fine, face unlimited joint and several liability towards those who suffered damages as a result of the cartel.

The contribution which the other cartel members can claim from the immunity recipient is now limited to the amount payable to its purchasers and suppliers.

### Takeaway

Although we expect a significant increase in the number of damages claims, immunity recipients remain protected compared to other cartel members. Before submitting a leniency application, however, a leniency applicant must carefully assess the above implications in damages lawsuits.

**By Anna Turi, Head of Competition, and  
Mark Kovacs, Associate, Schoenherr Hungary**



# KINSTELLAR

A leading international law firm in Central and Eastern Europe and Central Asia, organises the first exclusive business conference dedicated to heads of legal departments and senior in-house lawyers in Bulgaria

## The growing role of company lawyers in a multi-challenging business environment

12 June 2018, 09:00 am

Sofia, Hilton Hotel

Join us for an exciting discussion on major legal and business developments that will shape executives' and corporate counsels' agendas over the next year:

- Technology as an asset and liability: Business and legal perspective
- Data and know-how as an asset and risk exposure
- New EU rules for companies: Cross border moving and online solutions
- New EU Directive to protect whistleblowers: How it will affect Bulgarian companies
- Navigate company transformations to success through effective communication with employees
- Current challenges before senior company lawyers and their role as trusted advisors to the company's management

Keynote speakers and panel members will include **Kinstellar** senior lawyers and senior in-house lawyers at leading pharmaceutical, digital, retail, media companies and banks.

The event is free of charge. Register by e-mail at: [sonya.yordanova@kinstellar.com](mailto:sonya.yordanova@kinstellar.com).

Stay tuned at <https://www.kinstellar.com/news>



# INSIDE OUT: Dentons and CMS Advise on Credit Facility for MOL

**The Deal:** On January 11, 2018, CEE Legal Matters reported that Dentons advised the London branch of UniCredit Bank AG and MUFG as coordinators on a EUR 750 million revolving credit facility provided by a group of 13 banks to MOL Plc, the Hungarian multinational oil and gas company. CMS advised MOL on the deal, which represented the largest financing deal in Hungary in 2017.

We reached out to both firms for more information.

#### The Players:

- **Counsel for the Lenders:** Gergely Horvath, Partner, Dentons Budapest
- **Counsel for MOL Plc:** Erika Papp, Partner, CMS Budapest

**CEELM:** Gergely, how were you and Dentons selected initially by UniCredit Bank and MUFG?

**G.H.:** Our Hungarian team (currently at Dentons, formerly at White & Case) has been a trusted legal advisor of the MOL group for over a decade, advising the company or its financing banks (including UniCredit Bank and MUFG) on a number of such transactions several times since 2005. With excellent support from Dentons' London office, the excellent relation has been maintained and strengthened in recent years.

For this matter, we were selected in a competitive procurement process at the beginning of Q4 2017.

**CEELM:** Erika, how about you? How did

you and CMS become involved in this matter?

**E.P.:** In the Hungarian market we believe it is very prestigious to work for MOL, especially on their financing matters, so we were keen to get involved with their financing projects. Eventually our work paid off and last year we were appointed for the first time and this year the second time. It was a great acknowledgement of our work on the first transaction that MOL came back to us and selected CMS for another project too. They involved us very early – i.e., not just in the documentation phase, but even in the term sheet phase, which MOL always negotiates bilaterally.

**CEELM:** At what stage in the process





**Erika Papp**

were you each brought on board and what exactly was your mandates when you were retained?

**G.H.:** We were engaged by the banks once the term sheet was principally agreed. We assisted the banks during the negotiations with MOL and their legal counsel and in the course of signing of the facility agreement.

**E.P.:** We were asked to assist MOL on the term sheet, which is, as I mentioned, not the documentation phase but the bilateral negotiation phase. This is especially interesting for lawyers because you can see

the dynamics of the negotiation between MOL and its financing banks. We assisted MOL in putting the main terms of the commercial deal in place before we started to draft the finance documents.

**CEELM:** Who were the members of your teams and what were their individual responsibilities?

**G.H.:** I, being the relationship partner for both MOL and UniCredit, led the transaction from Budapest and coordinated the Hungarian legal aspects of the financing, and I was the main point of contact at Dentons for our clients. As the governing law was English, our local team was supported by a senior legal team from our London office, led by Partner Lee Federman, who has been involved in multiple financings for the MOL Group in past years and is intimately familiar with recent developments in the international markets and the LMA standards.

**E.P.:** Our English law legal advisor was Simon Dayes, an English-law qualified partner in Bucharest.

I assisted MOL in generally coordinating the deal, looking at Hungarian legal aspects and keeping contact with MOL since I am based in Budapest and I have a longstanding relationship with the MOL

treasury team.

**CEELM:** How was the transaction structured and how did you each help it get there?

**G.H.:** The new facility was arranged as a club deal with a group of MOL's relationship banks. It has a tenor of five years (with two one-year extension options) and can be drawn in both euros and US dollars. This new Agreement replaces the EUR 561 million tranche of the original EUR 1 billion 2011 revolving credit facility, on which we also advised the banks.

As the current Facility Agreement and related documents were based on the existing benchmark documentation of a revolving credit facility agreement dated from 2016 our work was less substantial as compared to other financing transactions where we have to start from scratch.

**E.P.:** MOL transactions are usually very well prepared and there is not much to negotiate. MOL is in a strong position and they have long-standing relationships with their financing banks so the lawyers' role is not very significant. Obviously on both sides there are lawyers – both the banks and MOL are always represented by international law firms – and they make sure that every detail is correct, but we do not have to play a very active role in these transactions in light of MOL's strong position on the financial market.

**CEELM:** What would you describe as the most challenging or frustrating part of the process?

**G.H.:** As we were advising UniCredit Bank AG, London branch and MUFG as coordinators of the credit facility provided by a group of 13 international banks; the most challenging part of the matter was aligning the interests of all the banks involved in the transaction, along with time, as the transaction was completed within two months from kick-off.

**E.P.:** These deals always involve a very high value and because of that a lot of banks need to be involved in them. The typical syndicated loans of MOL are sub-





scribed by over 10 banks – both Hungarian and foreign. The most challenging part of the process is to communicate with the two coordinating banks and MOL and to organize meetings in a way that allows everyone to participate and to ensure that all of the banks' interests are aligned and harmonized.

**CEELM:** Was there any part of the process that was unusually or unexpectedly smooth?

**G.H.:** Since we have advised the MOL Group for over ten years regarding their financing we knew quite well what was expected from our side within the transaction. MOL has a very good in-house team and is always advised by top-tier lawyers so their transactions usually flow much smoother and close quicker than the market average.

**E.P.:** A finance transaction – especially syndicated financings – are long transactions with several participants. For this reason these deals usually take two, three, four, or sometimes even six months, just because of the sheer number of participants. But with MOL, they always make sure that their deals close really fast. On this particular deal I think there was not more than three or four weeks between kick-off and signing. It always requires an extraordinary amount of organization to achieve this short completion time. This was partly due to MOL's treasury team and we would like to think that it was also partly due to the two law firms involved.

**CEELM:** Did the final result match your initial mandate or did it change somehow from what was initially anticipated?

**G.H.:** Our mandate did not change throughout the transaction, it stayed the way we agreed and signed our engagement letter.

**E.P.:** We think that the final result matched our original mandate because everything was on track. Everything happened very fast and smooth.

**CEELM:** Gergely, who at the banks directed you, and how would you describe

your working relationship with them?

**G.H.:** On the banks' side, the coordination was done primarily (and perfectly) by Richard Daniell (Director of Syndications, Debt Capital Markets – Loans and Bonds, Investment Banking Division for EMEA at MUFG) and Jana Petkova's team at UniCredit London, including, *inter alia*, Peter Czajkowski, Ivana Kojic, and Paula Hryckowiak.

We have a longstanding working relationship with UniCredit, having advised them on many other matters in Hungary and CEE. We have had less experience in the past with the team of MUFG, but naturally I can only compliment them as well as they are very professional and well-prepared, as were all the other banks who were involved in the transaction. In these types of financing transactions we are primarily in contact with the in-house lawyers and the financing team of the banks who are all experts in their field.

**CEELM:** Erika, what individuals at MOL directed you and how would you describe your working relationship with them?

**E.P.:** Both the lawyers and the financing experts of MOL were involved in the deal and we got instructions from both the legal and the treasury teams. We know this team quite well and we like to work with them. Also it was very easy to have a good working and personal level relationship with them because they are good communicators – very much to the point and easy to work with. Apparently the oil and gas sector attracts women and these transactions was done by an all-women team. I could say that both Simon and I enjoyed working with them.

**CEELM:** How would you describe the working relationship with your counterparts on the deal?

**G.H.:** Erika and I are ranked amongst the few Band 1 individuals in Banking & Finance in Hungary according to a prominent guide. I'm always happy to work with Erika and her team at CMS, as she is a very clever and respected banking lawyer who I trust. Naturally we know and



**Gergely Horvath**

respect our colleagues at CMS, as this was not our first encounter across the table from them on a financing transaction.

**E.P.:** This is not the first MOL financing we have worked on with Dentons so we feel that we know each other quite well and know what to expect from each other. We have a good working relationship with this Dentons team.

**CEELM:** How would you describe the significance of the deal in Hungary?

**G.H.:** This was the largest financing deal in Hungary in 2017, and we are delighted to have advised UniCredit and MUFG on it. The new facility will serve to further enhance MOL's financial profile and liquidity position.

The size of the deal shows that international banks have trust in the Hungarian market and these type of deals can also act as examples for other companies looking to finance their operation by international financial institutions.

**E.P.:** Syndicated financings of this type will occur only two or three times every year in Hungary. The deal size was 750 million euros, which is not a number that you often see on a finance document in Hungary. In the London market these deals happen every day. But in Hungary this is rare and therefore very prestigious to be involved in.

**David Stuckey**

# EXPAT ON THE MARKET: INTERVIEW WITH CHRISTOPHER NOBLET OF HOGAN LOVELLS

English lawyer Christopher Noblet has been based in Hogan Lovells' associated Budapest office since 2000 and leads its transactional and real estate team in Hungary. He studied law at King's College London.

**CEELM:** Run us through your background, and how you ended up in your current role with Hogan Lovells in Budapest.

**C.N.:** I first came to Hungary back in 1989 as part of a gap year, just before the fall of the Iron Curtain, and it was then that I met my wife-to-be and my love of Hungary began. I then trained and spent my first years as a lawyer in the Hogan Lovells London office (Lovell White Durrant as it was then known) and when the firm opened its Budapest office in 2000, there was a possibility to come to Budapest on a secondment. So I came to Budapest, my secondment was extended, and now here I am 18 years later.

**CEELM:** Was it always your goal to work abroad?

**C.N.:** During my youth I spent quite a bit of time visiting family outside the UK as well as my time in Hungary. This certainly opened my mind to the opportunity of living and working abroad.

**CEELM:** Tell us briefly about your practice, and how you built it up over the years.

**C.N.:** My practice is basically a transactional one, which has developed on the one hand through relationships with Hogan Lovells' firm-wide clients here in Hungary and on the other through building relationships with clients in Hungary and CEE region. I have also combined this with an active participation in the British business community – for example through the British Chamber of Commerce in Hungary (BCCH), where I am currently the longest serving member on the BCCH council.

**CEELM:** What do your clients appreciate most about you?

**C.N.:** I think it is important to be able to provide prompt, clear, and concise advice, and to be proactive as far as possible in assisting clients. This is what I try to do. It is also critical to understand the local background and this is one of

the reasons that led me to qualify as a Hungarian lawyer as well while I have been living here.

**CEELM:** Do you find Hungarian clients enthusiastic about working with foreign lawyers, or – all things considered – do they prefer working with local lawyers?

**C.N.:** I have always found Hungarian clients enthusiastic working together with non-Hungarian lawyers. I think for most though the essential point is having a lawyer who can effectively help them with their legal needs whatever their nationality.

**CEELM:** There are obviously many differences between the Hungarian and English judicial systems and legal markets. What idiosyncrasies or differences stand out the most?

**C.N.:** People often like to emphasize the differences between legal systems, however, I think there are often more similarities than may first meet the eye.

Frequently our role is to demystify these apparent differences and help people realize they may actually be saying the same things, perhaps just from another perspective.

**CEELM:** How about the cultures? What differences strike you as most resonant and significant?

**C.N.:** There are clearly differences between the two cultures, but there is actually much linking the two. Both countries have such a strong cultural heritage. They also share long, rich

histories with a historic reputation for hospitality.

**CEELM:** What particular value do you think a senior expatriate lawyer in your role adds – both to a firm and to its clients?

**C.N.:** Given the increasing use of UK/US style contracts and concepts in CEE, a lawyer with experience from such a jurisdiction is able to bring a knowledge of how this works in practice. What is also beneficial for a client is where the lawyer at the same time has a deep knowledge of

the local market and expectations and is able to combine the two.

**CEELM:** Do you plan to return to the UK at some point?

**C.N.:** I have no plans to return, as Hungary is home for me and my family.

**CEELM:** What's your favorite place to take visitors in Budapest?

**C.N.:** The castle district. The views over all compass points of the city and over the Danube always impress visitors.

**David Stuckey**

## Thank You To Our Country Knowledge Partners For Their Invaluable Input and Support



**Bulgaria**



**Greece**



**Poland**



**Romania**



**Turkey**



**Czech Republic**



**Hungary**



**Montenegro**



**Slovenia**



**Ukraine**



# EXPERTS REVIEW: DATA PROTECTION

In this ever-shrinking and increasingly technology-dependent world, some countries are more “connected” than others. To illustrate this, the Experts Review articles in this issue are presented by the percentage of each country’s population that were Internet users in 2016 (defined as persons who had accessed the Internet in the previous 12 months from any device, including mobile phones).

According to the International Telecommunications Union, an estimated 47% of the world’s population – and 81% of the developed world – qualified as an “Internet User” in 2016. In CEE, Estonia boasts, unsurprisingly, the highest percentage of users, at 87.24% (good enough for 26th in the world)– but we have no article from Estonia this time around. Thus, Austria takes pride of place. The article from Ukraine, where only slightly over 50% of the population qualified as an “Internet user” in 2016, comes last.

A hand is shown touching a glowing, semi-transparent padlock icon. The background is dark with white circuit board traces and glowing nodes, suggesting a digital or data security theme.

## In This Section:

■ Austria 84.32% (30)	Page 68
■ Slovakia 80.48% (36)	Page 69
■ Hungary 79.26% (43)	Page 70
■ Czech Republic 76.48% (52)	Page 71
■ Slovenia 75.50% (57)	Page 72
■ Poland 73.30% (62)	Page 73
■ Croatia 72.70% (65)	Page 74
■ Macedonia (72.16%) 66	Page 75
■ Greece (69.09%) 74	Page 76
■ Serbia (67.06%) 77	Page 77
■ Bulgaria (59.83%) 89	Page 78
■ Romania (59.50%) 93	Page 79
■ Turkey (58.35%) 95	Page 80
■ Ukraine (52.48%) 110	Page 82

## AUSTRIA

## Austria's Struggle with the GDPR



Andreas Schutz

With its National Data Protection Amendment Act 2018 (“DSG 2018”) enacted well before the May 25th 2018 deadline, Austria is considered to be one of the EU leaders regarding the implementation of the GDPR. To be precise, the DSG 2018 was implemented in May, 2017, shortly before Austria’s national elections took place.

The consequence of Austria’s attempt to play a pioneering role is that the DSG 2018 was rushed, and thus, at least in some parts, extremely difficult to read – and it fails to take advantage of the majority of the permitted GDPR derogations.

## Privacy Deregulation Act 2018 to Make Corrections

Unsurprisingly, then, the Austrian parliament proposed the Privacy Deregulation Act 2018 (“DDG 2018”) to make corrections to the DSG 2018 which are of particular importance from a business perspective.

Prior to that it had not been clear whether fundamental rights to data protection applied to legal persons in addition to natural persons, as the Data Protection Act 2000 (“DSG 2000”) had protected both. With the DDG 2018 the issue has been clarified insofar as Article 1 explicitly states that “only” natural persons are captured. Furthermore, Article 5 states that the obligation to designate a Data Protection Officer also applies to bodies established in forms of public law – in particular to an authority of a regional authority. Entrusted bodies are still excluded from the obligation to appoint a Data Protection Officer.

With respect to employment law, the DDG 2018 makes modifications to Article 11 of DSG 2018 with the effect that the powers of the workforce as well as the rights of participation in relation to employee representation remain unaffected as far as the processing of personal data is concerned.

As opposed to the 69 clauses of the GDPR which allow for Member State derogation, the DSG 2018 provides only a handful – including a journalistic exemption. Under this derogation, data processing for journalistic purposes, including the publication of personal media reports, should be carried out in accordance with Article 5 of the GDPR (the data protection principles) – which are not particularly helpful in practice, and rather unclear. In addition, the Austrian data protection authority must take account of the need for publications to protect the identities of their sources.

The reason the DSG 2018 contains only a small number of

derogations is that the majority of these clauses do not concern general principles of data protection law, and will, where required, be implemented by specific additional national laws, as stated in the explanatory remarks to the government bill of the DSG 2018.

Another big issue in Austria is the way the Austrian Data Protection Authority will handle the data protection impact assessment. The GDPR allows national supervisory authorities to compile and publish a list of types of processing operations that do not require a data protection impact assessment. This “White List” will be



Jurgen Polzl

implemented in the form of a “Regulation on the Exceptions to the Data Protection Impact Assessment” (DSFA-AV). The Austrian Data Protection Authority, like the national supervisory authority under the GDPR, will make use of this competence and has published a first draft of such a “White List,” which includes video surveillance, membership administration, and management of inventories or the organization of specific events, just to name a few. The data processing activities mentioned in the DSFA-AV as well as those registered with the Austrian Data Protection Authority before May 25th are excluded from the data protection impact assessment.

None of these data processing activities pose a high risk to the rights and freedoms of individuals.

In comparison to the “White List”, the “Black List” will contain those data processes which will need to be included in the data protection impact assessment. An example for this is the collection of location data, which will enable the tracking of movement behaviors and thus affect privacy protection. The Austrian Data Protection Authority has not yet announced the date of implementation; however we assume that an appropriate bill will be railroaded close to May 25th.

## GDPR Compliance First

Finally, it should be noted that it will be interesting to see, after May 25th, in the absence of GDPR case law, how the Austrian Data Protection Authority interprets the new provisions in case-specific circumstances. Unfortunately, some critical voices are already claiming that some of the provisions of DSG 2018 could be unconstitutional and are thus likely to be abolished by the constitutional court. Anyhow, the main focus for businesses should currently be on the implementation of the GDPR, in order to avoid penalties.

*Andreas Schutz, Partner, and Jurgen Polzl, Associate,  
Taylor Wessing Vienna*



## SLOVAKIA

### A Brand New Alternative Dispute Resolution Mechanism for Resolving Domain Name (.sk) Disputes in Slovakia



Jan Lazur

For a number of years, Slovakian courts struggled with domain name disputes. Because there was neither statutory legislation concerning the rights to domain names nor consistent case-law allowing for the formulation of principles for resolving disputes that arose involving them, different courts took different approaches regarding how to decide domain name cases. This made legal certainty and predictability extremely difficult for stakeholders in the country.

This bleak situation was improved significantly last year, when an alternative dispute mechanism (ADR) for resolving domain names disputes was approved by the Committee for the Administration of National .sk Domain and SK-NIC, the Slovakian Registry for the .sk country code top-level domain. This has resulted in a win-win situation, where the ADR regime filters the majority of cases that would otherwise end up before different Slovakian district courts, and the right-holders can rely on a more consistent approach to the assessment of their rights to Slovakian domain names.

The arbitration center for alternative domain dispute resolution is part of the European Information Society Institute, which coordinates the experts tasked with deciding disputes in accordance with the ADR rules for the .sk domain.

The ADR is a non-governmental platform for resolving domain names disputes. A right-holder claiming that its trademark, business name, goodwill, copyright, or other intellectual property rights (IPRs) to a certain Slovakian domain name have been infringed by a defendant may opt for the ADR procedure. The most typical infringements committed with respect to domains are cybersquatting, typosquatting, and domain sniping.

#### Requirements for the Initiation of .sk Domain Name Dispute Resolution

Under the new ADR Rules, a domain name holder defendant may not avoid the ADR procedure if a right-holder decides to assert its alleged rights to the disputed domain in such a way. If the right-holder wins the ADR, the Slovakian Register (SK-NIC) will execute the decision (it may transfer the disputed do-

main to the right-holder or cancel the registration of the disputed domain).



Zoltan Nagy

In order to succeed with its ADR action, the applicant right-holder must prove that: (i) the characters forming the defendant's domain name are identical or similar to the protected IPRs of the right-holder; (ii) a likelihood of confusion exists between the defendant's domain and the protected IPRs (this is not necessary if the applicant can prove that its right has a good reputation in the relevant part of the public – typically, this will improve the position of the owners of well-known brands); and (iii) the disputed domain name: (a) has been registered or acquired without the defendant having the right to do it (*e.g.*, the defendant does not own a trademark) or a legitimate interest (*e.g.*, the defendant is able to prove that the domain name was used fairly in connection with selling goods or services in good faith before receiving any notice regarding a dispute) in the domain or the applicant's IPR; and at the same time (c) has not been registered, acquired, and used in good faith.

Cases are decided by one or a panel of three ADR experts. If the applicant succeeds, the disputed domain may be transferred to the applicant (or a third person identified by the applicant) or cancelled.

The practical advantage of the ADR is the fact that the expert's opinion is "self-enforceable" through SK-NIC as a top-level domain authority and no court enforcement is needed. In addition, the losing party has the right to bring the case before the national court. (However, in the majority of cases no further court actions will arise after the ADR).

The ADR proceeding is conducted entirely via electronic means and takes three to four months. For an additional charge, complainants may also opt for the fast-track 30-day proceeding. Each ADR decision is published online, so the public and stakeholders can follow the development of ADR case-law.

#### Arrived in Modern Digital Economy

The ADR procedure provides IP right holders with access to an extremely effective, practical, and time/cost saving mechanism for enforcement of their rights in Slovakia. In the context of a massively developing digital economy, having robust and effective ADR rules for resolving domain name disputes should be a must for every modern country.

Jan Lazur, Partner, and Zoltan Nagy, Associate,  
Taylor Wessing Bratislava

## HUNGARY

### Facing the Public After the GDPR: How to Draft Privacy Notices



Marton Domokos

Based on the transparency requirements of the GDPR, companies must now provide more detailed information on data processing. The usual form of relaying this information to the public is through a privacy notice. Now that May 25, 2018 is fast approaching and companies are working towards GDPR compliance, such privacy notices must be finalized.

GDPR-compliant privacy notices are critical because they represent the first time that individuals (and data protection regulators) are informed of a company's privacy practices. On April 11, 2018, the EU's Data Protection Working Party published its final Guidance on Transparency under the GDPR. It remains to be seen whether this Guidance will bring clarity or raise questions over the next six weeks for those companies involved in GDPR preparation.

#### The Form Privacy Notices Should Take

The GDPR contains 173 introductory paragraphs, 99 articles, and a long list of contents. The Guidance is 35 pages long. Nevertheless, the GDPR requires that privacy notices be concise, easily accessible, and easy to understand, and that clear and plain language be used. The Guidance also notes that companies should present their privacy notice efficiently and succinctly in order to avoid "information fatigue" among the public. Compliance with these multiple, often conflicting expectations is one of the biggest challenges of the GDPR project, given the large amount of privacy information to be communicated. Companies must now demonstrate their compliance with the transparency principle by testing the intelligibility of their privacy notices and the effectiveness of the interfaces being used (websites, dashboards, direct communications) – if indeed they have the time for testing during the final weeks of GDPR preparation.

#### Information About "Legitimate Interests"

In addition to outlining the purpose of personal data processing, the privacy notice must identify the relevant legal basis of the GDPR. The GDPR also gives companies the flexibility to rely on their "legitimate interests." For example, affiliates may have a legitimate interest in transmitting data within their group for internal administration. The existence of a legitimate interest would need careful assessment through a "balancing test,"

which is usually a three to five page long document, prepared for internal purposes in the company. Given the internal nature of the balancing tests, many companies do not prioritize them as part of their GDPR preparations. The new Guidelines now state, however, that the privacy notice should also provide the public with information from the balancing test, which highlights its importance.

#### Details on Data Transfers

Currently, most privacy notices contain only a general description of recipients (*e.g.*, "service providers" and "affiliates"). Under the GDPR, the default position is that a company should provide information about named recipients. The privacy notice should also explicitly mention all countries outside the EU to which the data will be transferred. Considering the complexity of data flows in a company's day-to-day operations, it may be difficult to comply with this requirement. Hence, it may help if companies identify all recipients during data mapping at the beginning of their GDPR preparation, and then transpose this information into the privacy notice.

#### Information on Data Storage

It is not sufficient to generally state in the privacy notice that personal data will be kept as long as necessary for the legitimate purposes of processing. Where relevant, the different storage periods should be stipulated for different categories of personal data and different processing purposes. This should not be a problem for companies that used archiving in their data mapping exercise. This may, however, be challenging for other companies – like pharmaceutical firms – whose data retention practices are dictated by factors such as statutory requirements and industry guidelines.

#### Changes in the Privacy Notices

Before the GDPR, companies usually advised customers to check the most updated version of the privacy notice on the company's website. Now the Guidelines state that companies must communicate fundamental changes (or any changes) to privacy information which impact people. This communication must take place well in advance of the change actually going into effect. Such changes include alterations in the data processing purpose, the data controller's identity, or how individuals may exercise their rights. In practice, the most explicit and effective notification method is email and post, which is how the T&Cs of financial institutions and telcos have traditionally communicated with the public. Since companies must now revisit this issue, they are in a position to test and select the best way to communicate the upgraded, GDPR-compliant privacy notices to employees and customers.

Marton Domokos, Coordinator of CEE Data Protection Practice, CMS Budapest

## CZECH REPUBLIC

## GDPR Misconceptions



Adela Krbcova

The GDPR comes into effect on May 25, 2018. Since data processing concerns a wide range of activities, very few companies or entrepreneurs will be unaffected. Numerous articles and discussions have been posted about the GDPR in the media, some of which contain false or misleading information and therefore give

rise to concern, especially considering the possibility of high penalties. Failure to adopt national implementing legislation does not help the situation either. In this article we would like to highlight some of this misleading information and explain the inaccuracies.

The Regulation is often described as a “revolution in personal data protection.” This is not correct, and the Czech Office for Personal Data Protection, which continues to act as the supervisory authority and provides interpretative opinions, has tried to rebut this presumption, as the current Czech law, which has been in effect since 2000, already regulates most of the issues. Both it and the GDPR contain similar terms, such as “personal data,” “processing,” “data subject,” and “controller” defined similarly. The GDPR also does not constitute a new catalogue of rights of data subjects, as most of them – such as the right to erasure (known as “the right to be forgotten”) had already been established by the current legislation. The GDPR also does not bring with it a revolution in the duties of data controllers and processors; it only goes further with their specifications and provides some additional duties for these subjects, such as informing the supervisory authority if there is a data breach.

The GDPR does, however, establish a new right – the right to data portability – which, under certain conditions, gives data subjects the right to receive, on request and in a commonly-used format, any of their personal data that had been provided to a controller, and to transfer it to another controller.

Another misleading piece of information is that there is an obligation to procure consent for any personal data processing. Consent has to be given by an informed data subject and has to be revocable at all times. The GDPR specifies the conditions that need to be met for lawful consent. At the same time it provides five other legal reasons for data processing, *e.g.*, performance of a contract. Because “free consent” can be difficult to establish in an employment relationship, reliance on that particular basis is not recommended, and other bases provided

by the GDPR for processing employee personal data should be found wherever possible.

Another reason for worry is the belief that every company needs to have a data protection officer with special certification. This duty only concerns public authorities and controllers whose core activity consists of processing operations requiring the systematic monitoring of data subjects on a large scale or processing special



Dan Loukota

categories of data. The obligation will therefore affect public bodies such as municipalities, schools, and hospitals, along with financial institutions or large companies having data processing as their core business. A data protection officer does not need to have special certification, as is often claimed.

More misleading information that has appeared is the necessity of implementing expensive technical measures related to the pseudonymization of data. The GDPR does not prescribe an obligation to encrypt collected data. Pseudonymization is named only as an option of a technical safety measure. Particular measures are chosen by the controller according to the nature, purpose, and scale of the data processing and the expected costs of such measures.

The widest concern in regard to the GDPR is the threat of liquidating sanctions. The GDPR allows for fines up to EUR 20 million or 4% of total worldwide annual turnover. Such a concern does not mention that administrative fines up to CZK 10 million are already allowed under the current Czech legislation. Fines have to be imposed in each individual case in a proportional, effective, and dissuasive way. Nevertheless, imposing a fine is not a necessity, and the supervisory authority may decide to issue only a warning or reprimand or use other corrective powers. Moreover, the GDPR lists a large number of facts that need to be taken into consideration when imposing a fine.

In conclusion, the GDPR brings with it some changes and an enlargement of the regulation of personal data protection. However, the GDPR is aimed primarily at huge companies and entrepreneurs processing data on a large scale, and its goal is not to punish small traders and employers for each and every breach of their duties. Therefore, it is pointless to stir up panic. The GDPR should be understood as a challenge to improve business operations rather than as a threat.

*Adela Krbcova, Partner, and Dan Loukota, Senior Associate,  
Peterka & Partners Prague*



## SLOVENIA

### Customer Due Diligence for Cryptocurrency Companies: Data Protection and Anti-Money Laundering Law in Slovenia Prohibit the “Standard Approach”



Uros Cop

With the tremendous increase in the price of cryptocurrencies in 2017 the world has witnessed an explosion of cryptocurrency-related enterprises, with initial coin offerings at the forefront. Several European countries have aligned their legislation to become appealing for such enterprises and Slovenia has been mentioned on several occasions as one of the most “crypto-friendly” countries. However, as Slovenian legislation offers a very high level of protection to personal data regarding identity documents, crypto business ventures within the Slovenian jurisdiction may be at a disadvantage against foreign competitors.

The standard approach to conducting the identification and verification process of a customer by cryptocurrency-related enterprises worldwide involves requesting a copy of a photo identity document, utility bills, and a recent photograph of the customer, in combination with other relevant data provided by the customer, followed by a subsequent review and verification of the data. The complete process is commonly performed online, without the need for the customer’s actual presence, allowing him or her to provide the data from a remote location.

Until recently, Slovenian law contained a universal prohibition on storing digital copies of identity cards and passports. While the 2016 Prevention of Money Laundering and Terrorist Financing Act (ZPPDFT-1) – which implemented the 4th AML Directive (EU) 2015/849 (the “Directive”) – provided some exceptions for banks and financial institutions, the ZPPDFT-1 still prohibits the majority of persons from storing digital copies of identity documents. This norms are peremptory, and even the customer’s consent does not render digital storage of identity documents legally valid.

Article 13 of the Directive requires that identification and verification of the customer be made on the basis of documents, data, or information obtained from a reliable and independent source. However, the Slovenian legislator has opted for a stricter approach and requires that identity documents be examined in the customer’s presence as the primary method of conducting due diligence measures.

Pursuant to Article 4 of ZPPDFT-1, legal entities and natural

persons “issuing and managing virtual currencies” are obliged to perform customer due diligence. Consequently, companies whose operations are related to cryptocurrencies have a statutory obligation to conduct due diligence upon establishing a business relationship with a customer. Apart from two very narrow exceptions involving means of electronic identification issued by the Republic of Slovenia or another Member State and video-based electronic identification, the due diligence and verification process must be done *in-person*.

Any enterprise dealing with cryptocurrency within Slovenian jurisdiction must therefore invite its customer to the enterprise’s premises and conduct an examination of the customer’s identity document in the customer’s presence to verify the customer’s identity prior to doing business with him/her if none of the relevant



Zan Klobasa

exceptions apply. As such enterprises usually address their products or services to customers worldwide, they are at a huge comparative disadvantage, because they have to comply with stricter regulations than their counterparts elsewhere. It is practically impossible to effectively conduct in-person customer verification with customers in remote jurisdictions, especially because performance by third parties is limited under ZPPDFT-1 and does not absolve the obliged person from the act’s requirements.

Slovenia has seen several successful cryptocurrency-related enterprises begin their operations during the previous year. Almost exclusively, they conducted the identification and verification process through the “standard approach – that is, by gathering digital copies of identity documents. As this is now prohibited by Slovenian law, they have thus exposed themselves to fines by the competent regulatory authorities, as they are in breach of provisions regarding both due diligence measures and identity document storage.

If Slovenia wants to fulfill its promise of becoming a “crypto-friendly” country, it has to reconsider its provisions regarding customer due diligence and storage of copies of identity documents to align itself with global standards and allow Slovenian enterprises and foreign enterprises operating in Slovenia to satisfy the national data protection and anti-money laundering provisions with at least the level of ease of enterprises operating outside of Slovenia. The simplest way would be by expanding the exception to the prohibition of storage of identity documents to a larger number of enterprises and amending the relevant provisions concerning customer due diligence to allow the possibility of remote identification through the “standard approach.”

Uros Cop, Managing Partner, and Zan Klobasa, Legal Clerk,  
Law Firm Miro Senica & attorneys

## POLAND

## Upcoming Changes to the Polish Industrial Property Law



Marcin Rudnik

More than two years ago a new system for examining trademark applications was introduced in Poland. The purpose of the so-called “opposition system” was to adapt Polish regulations to EU and international regulations and the jurisprudence of the EU Court of Justice.

Under this new system, a trademark for which registration is sought is announced in the online Bulletin of the Patent Office. Within three months of the publication date, holders of previously registered trademarks may oppose the registration. The opposition system presupposes the initiative of the owners of earlier rights to oppose new applications. Even though the new system significantly simplified the procedure for obtaining the right to protect a trademark, in practice it did not shorten the amount of time the Patent Office requires to examine oppositions.

On December 6, 2017, the Ministry of Development published a bill amending the Industrial Property Law. Under the amended provisions, a trademark qualifies as any mark, provided that such mark distinguishes the goods or services of one entity from those of others. Additionally the mark must be represented on the register of trademarks in a manner which enables the determination of the clear and precise subject matter of the protection afforded to that mark. The requirement that a mark must be capable of being presented graphically has been revoked.

Another important proposed change is to the process by which the protection of a trademark can be extended upon the written request of the right holder. Under the amended provisions, the right holder or a person authorized by law or contract will only need to pay a fee for the next protection period in order to extend the protection of the trademark. Such a deformalized procedure for extension of protection of trademarks should relieve the Patent Office of some bureaucratic red tape and provide

trademark proprietors with a faster and more efficient process.

Additionally, the Patent Office will be obliged to inform exclusive right holders of approaching fee deadlines for the period of protection for their inventions, utility models, or trademarks. The Office will send notification to right holders no later than six months prior to the protection expiry date.

Under the amended provisions the rights of licensees are to be extended. A licensee will be able to file, with the consent of the right holder, an action related to an infringement of the holder’s right to the trademark, unless the license agreement provides otherwise. Under previous legislation, this right was only vested in exclusive licensees and only if the license was registered.

Another significant change is the removal of the procedure under which administrative cases resulting from an objection to a final decision to grant a patent, a protective right for a utility model, or a registration right filed under Article 246 Industrial Property Law are examined by boards with authority to settle disputes. Under the proposed legislation, such cases will be examined, in an administrative procedure, by an expert or a panel of experts appointed by the President of the Patent Office. This change should reduce both the time required to examine a case and the costs required to commence such proceedings. However, the bill also stipulates that cases initiated under the objection procedure are to be examined by a panel of experts rather than a single expert. As such cases are often complex, a panel of experts should be able to offer greater impartiality than that of a single expert.

There is also a clarification to previous changes concerning applications related to patents and trademarks, including a provision that vests in attorneys at law and legal counsels the right – previously extended only to patent attorneys – to represent clients in cases connected with the submission and examination of applications and the maintenance of protection for inventions, medicinal products, and plant protection products, utility models, industrial designs, geographical signs and integrated circuit topography. This proposed amendment has been extensively commented on and discussed in professional circles. This solution may improve access to legal assistance for undertakings in industrial property cases, may reduce the costs of such assistance, and may support the development of the legal services sector. We believe that this is a significant benefit for people who want to protect their industrial property.

The bill has already been through the public consultation process and hopes are that it will come into force later this year.



Monika Gaczkowska

Marcin Rudnik, Head of IT/IP, and Monika Gaczkowska, Associate, Wolf Theiss Warsaw

## CROATIA

### Additional Regulation of Data Protection – The Croatian Outlook



Marija Zrno

Starting May 25, 2018 the General Data Protection Regulation will come into effect. Although it will apply directly in all EU Member States, Member States have the option to add additional regulations to certain specific situations. This article sets out a brief overview of the key provisions of the draft of the relevant Croatian law,

which is in procedure before the Croatian Parliament at the moment of writing of this article.

**Genetic Data:** Processing genetic data in order to calculate the likelihood of disease and other health aspects of the data subject for the purpose of entering into or implementing life insurance agreements and agreements with a survivorship clause is prohibited. This prohibition applies when data subjects enter into such agreements in Croatia if the controller has permanent establishment or provides services in Croatia. The consent of the data subject cannot override this prohibition.

**Biometric Data:** Specific rules on biometric data apply to data subjects in Croatia when the processing is carried out by controllers having permanent establishment or providing services in Croatia, or when the processing is carried out by public authorities. The controllers from the private sector may process biometric data if the law prescribes it, or if it is necessary for the protection of persons, property, classified information, or business secrets. Also, the processing may be necessary for identification of the service user, in which case the explicit consent of data subject must be obtained. In any case, it is important that the interests of data subjects not be overridden by the need for processing (*i.e.*, data subjects' interests should be protected to a sufficient extent and balanced with the legitimate interest of the controller who processes biometric data in accordance with the law).

Special rules are prescribed for the processing of biometric data of employees. Processing may be permitted to record working hours and entry and exit from work premises, but it must be either prescribed by law or carried out as an alternative to another solution. In the latter case, explicit consent of the employee must be obtained.

The law explicitly states that these provisions do not affect the provisions of the GDPR regulating the data protection impact assessment (DPIA), meaning that the DPIA may still be necessary.

**Video Surveillance:** Processing data through video surveillance is allowed if necessary and justified for the protection of

persons and property, under the condition that the interests of data subjects are not overridden (*i.e.*, that data subjects' interests are protected to a sufficient extent and balanced with the legitimate interest of the controller who uses video surveillance in accordance with the law).



Gregor Famira

The surveillance must be limited to those premises and areas, or parts of thereof, which need to be monitored for achieving its purposes.

In case of recordings of video surveillance of work premises, additional requirements need to be met: the recording must be in line with occupational safety regulations, employees must be individually notified about the recording, and relevant information must be given to them before the employer decides to employ the video surveillance. In any case, it is prohibited to record video of work premises used for rest, changing clothes, or personal hygiene. There is a separate set of rules for recording residential buildings and public areas as well.

Video surveillance imposes additional obligations on controllers and processors, including the obligation to visibly mark that a certain object or area is under video surveillance and to provide other necessary information to data subjects through such notice. Another obligation is to establish an automated system to record all access to recordings. Controllers and processors that do not fulfill these two obligations may be fined up to HRK 50,000 (approximately EUR 6,750).

The recordings may only be accessed by the responsible person of the controller or processor, or another person authorized by the responsible person, and only for purposes such as the protection of persons and property. In cases of unauthorized use, the responsible and authorized persons may be fined up to HRK 50,000 (approximately EUR 6,750).

**Sanctions and Other Provisions:** Companies should bear in mind that a final decision about a data protection breach may be published in a non-anonymized form in many cases (especially for repeated offenses or where the fine exceeds HRK 100,000 (approximately EUR 13,500)).

It is interesting to note that, apart from the monetary fines related to video surveillance, the law does not prescribe specific fines that can be imposed on responsible persons of the controllers or processors. Such specific fines were initially envisaged by the law, but those provisions were removed from the final draft.

Apart from a few additional specific provisions (*e.g.* provisions regulating processing of data for statistical purposes carried out by official authorities), further provisions of the new law mostly relate to the functioning and operations of the Croatian Data Protection Agency.

Marija Zrno, Attorney-at-Law, and Gregor Famira, Partner,  
CMS Zagreb



## MACEDONIA



### Preparing for the General Data Protection Regulation in Macedonia



Gjorgji Georgievski

The GDPR, which entered into force in the EU on May 25, 2018, will also have implications for Macedonia-based companies.

The GDPR substantially expands the territorial reach of the EU data protection regime and will also apply to non-EU companies if they are selling products or services within the EU or if they are obtaining personal data in the EU and transferring it outside the EU. Hence, Macedonia-based companies which do business in the EU will be required to ensure compliance with the GDPR to avoid hefty fines for non-compliance amounting up to 4% of annual global turnover.

It is important to note that many of the GDPR's concepts and principles are much the same as those in Macedonia's current Personal Data Protection Act (PDPA). Consequently, the general approach to compliance under the PDPA will remain valid under the GDPR. However, companies will be required to make some substantial adjustments to the way they collect and process personal data. While the exact structure of the compliance program of Macedonia-based companies will, in part, be unique to their business, companies can take many actions to ensure compliance with the GDPR.

Initially, companies are well-advised to carry out a personal data audit to establish whether they will be caught by the GDPR. For example, online businesses which directly offer goods or services to individuals within the EU through websites and apps or employ cookies or other tracking tools on such websites and apps to monitor the behavior of individuals within the EU will be caught by the GDPR. The personal data audit should identify what personal data is collected, how the company uses the personal data, who they share it with, and what security measures

are being applied to it. Using the information from the data audit, companies should be able to perform a gap analysis to identify areas where changes are required to ensure compliance with the GDPR.

The GDPR requires companies to be able to show how they comply with the data protection principles, for example by having adequate policies and procedures in place and by maintaining accurate records of processing activities. Existing personal data protection policies and procedures of companies should be revised to reflect the new requirement for providing individuals with the right to data portability. The right to data portability applies only to personal data that an individual has provided to a controller, when the processing is based on the individual's consent or for the performance of a contract and when processing is carried out by automated means. Additionally, companies are also required to revise the way they communicate their privacy policies and make sure that they contain concise, easy to understand, and precise information on the lawful basis for processing of the personal data and the data retention periods and state that individuals have a right to complain to the regulator if they feel that their data has been mishandled. Any commercial contracts entered into by companies must be reviewed to ensure that the provisions reflect that data processors have direct obligations under the GDPR and include the revised mandatory provisions for contracts with processors as well as the new breach notification requirements.

Companies should also review how they seek, record, and manage the consent of individuals to having their data collected and processed. The consent of individuals must be specific, informed, unambiguous, verifiable, and given freely. Companies cannot infer consent from silence or inactivity and must separate the consent from other terms and conditions, as well as provide individuals with simple ways to withdraw their consent. Companies relying on individuals' consent to process their data are required to make sure that the consent will meet the GDPR standard of being specific, granular, clear, prominent, opt-in, properly documented, and easily withdrawn. Otherwise, companies will be required to revise their consent mechanisms and obtain a new GDPR-compliant consent from individuals or find an alternative to consent. Companies offering information society services to children are required to verify individuals' ages and to obtain parental or guardian consent for any data processing activity. The GDPR sets the age when a child can give his or her consent to this processing at 16, and companies are required to obtain consent for children younger than that age from a person holding "parental responsibility."

Macedonia companies which are doing business in the EU are well-advised to prepare for the GPDR to avoid sanctions and other repercussions under the new data protection regime.

*Gjorgji Georgievski, Partner, ODI Law Skopje*

## GREECE



### GDPR: A Perspective on Compliance Challenges Within Large Organizations



Michalis Kosmopoulos

With less than a month before it eventually rolls out across the EU, the GDPR is still treated by many businesses as a complicated piece of legislation triggering serious debate between professionals and regulators and imposing a heavy compliance burden for large organizations. However, the GDPR implementation date – May 25,

2018 – should be looked at more as a starting line rather than a hard deadline, providing organizations with the opportunity to map – through their search to identify any personal data processing – both their entire corporate life and their day-to-day operations.

The initial key for any organization to start any compliance process should be raising internal awareness by asking experts and team leaders from across the organization to join forces and decide on the best GDPR-compliance and implementation practices, taking into account the actual needs and weaknesses of the business. It is crucial for the organization to invite all internal stakeholders on board, from the customer support service, to the human resources staff, up to the strategic intelligence unit, in order to jointly identify optimized implementation practices, set new standards, and gradually structure the business ecosystem upon which all actions and initiatives will be deployed.

An additional fundamental exercise that any large organization should attempt prior to undergoing a comprehensive data audit should be to design an effective budget plan for the project. The organization should be prepared to commit valuable resources into the project in terms of time, manpower, and money, to assess its size and market exposure, the rough amount of personal data processed as part of its core business, and the extent of its interaction with third-parties and/or non-EU countries.

The compliance project should commence as soon as the or-

ganization has received a gap analysis assessment from its trusted privacy advisor. This is a report setting out all elements identified during the assessment of the current status of the organization which are not compatible with the requirements of the GDPR. When it comes to the gap analysis assessment, organizations may



Mariliza Kyparissi

choose between either a quick, tick-box, assessment, leading to a high-level implementation plan, or a quality assessment, including a more thorough examination of all frameworks, organizational aspects, strategies, and management practices that will produce a detailed data mapping portraying in full deployment the processes and flow of personal data within the organization. In any case, the assessment approach shall definitely depend upon the maturity level of the organization, the existence of written policies, and the actual implementation thereof.

The GDPR demands a radical shift in the corporate structure and mentality of the organization, as the relevant compliance process is extremely intrusive to the day-to-day life of businesses. It is this highly intrusive nature of the GDPR compliance procedure that makes organizations' leadership reluctant to undertake compliance efforts and cooperate efficiently with their privacy advisors, especially when their compliance scheme entails interviews. In particular, when interviewed about their organizations' operations, data processing and flow, and on their daily activities, executives frequently develop a defense response mechanism similar to the one used by people under interrogation, often invoking common avoidance excuses that they hope will disengage them from the interview process.

However, as reality sets in, the GDPR looks more like an opportunity for businesses rather than a crisis point. The GDPR compliance process is a win-win situation for organizations, as it provides them with the opportunity to create business value, improve their operational structure, and eventually gain a competitive advantage. GDPR-compliant organizations will immediately get ahead of their industry competitors by attracting clients who value their data and wish to trust it to an organization sharing the same principles.

In full awareness that reaching maturity levels may be a long process, organizations should ensure that their GDPR compliance is sustainable; such sustainability may be achieved through ongoing monitoring and assessment of the organization's policies and operations, permanent training of staff, and developing of technical and operational measures that will ensure that the organization will always be in a position to demonstrate readiness and accountability.

*Michalis Kosmopoulos, Partner, and  
Mariliza Kyparissi, Senior Associate, Drakopoulos*

## SERBIA



## Trade Secrets in Serbia



Dragomir Kojic

As Serbia is gearing up for EU accession, harmonizing with EU legislation and business practices becomes not only mandatory, but also a market necessity. Although there are discrepancies between business practices in Serbia and in the EU, one thing seems to be unanimous: local businesses, just like their international counterparts, think ahead when it comes to securing their assets. This applies to every type of business, but it is prevailingly visible in local medium-sized to large businesses which predominantly handle and/or deal with IP portfolios. Nowadays, in the ever-evolving digital world, where almost information is at the reach of one's hand – even to those located in remote corners of the world – attention and focus are being switched to ensuring the adequate protection of trade secrets. This process is happening in Serbia as well.

As trade secrets are considered valuable pieces of information and even valuable practices established within closed business systems, their value derives precisely from the fact that they are secret, and as such they afford their holders a certain leverage and competitive advantage over competitors in a given field.

Unlike classic intellectual property rights, which, with the ex-

ception of copyrights, are subject to a set of highly regulated formalities ensuring their protection, because trade secrets are not formally protected, careful handling of them becomes that much more important. As businesses often process a wide range of data such as customer and supplier lists and future business development and market strategy plans on top of their regular IP portfolios, the implementation of adequate mechanisms of protection against any type of misappropriation (either by theft, insider espionage, or a simple breach of confidentiality clauses) becomes of paramount importance.



Tamara Bubalo

Although Serbian legislation regulates the question of trade secret protection, it does so in an almost rudimentary way, by – among other things – simply defining what falls under the scope of a “trade secret,” offering protective measures based on the prior assessment of risks, and defining what falls under the scope of “illegal acquisition, use and disclosure of information.” In addition, there is also a clear lack of any supporting jurisprudence to fill in the gaps left by the legislator, thus depriving businesses of clear guidelines when it comes to improving their practices.

However, with the implementation of the proposed *EU Directive 2016/943 of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure*, planned for June 9, 2018, it seems that the joint efforts of the EU Commission, the EU Parliament, and the EU Council to unify disparities in legislation – and therefore practices regarding adequate protection of trade secrets across the states – will not only come to fruition to the benefit of its members states, but will also come at just the right moment for non-EU member countries like Serbia as well.

As mentioned above, therefore, observance of the new EU legislative improvements should not only be deemed mandatory for countries like Serbia that are well on their path towards EU accession, but should also be welcomed as providing more advanced solutions to the loopholes left in current regulatory frameworks.

Since the Directive is designed to offer a more balanced and stable environment for inventors and investors alike, with more unified implementation rules and more stringent sanctions, we are hopeful that it will have an impact both within and outside of the EU borders by further eradicating unfair competition practices and creating a more fertile ground for the safe development and safe sharing of innovative ideas.

*Dragomir Kojic, Partner, and Tamara Bubalo, Associate, independent attorneys at law in cooperation with Karanovic & Nikolic*



## BULGARIA



### Codes of Conduct: The Key to GDPR Compliance for SMEs



Stefana Tsekova

After years of anticipation, the EU General Data Protection Regulation (GDPR) entered into force and took effect on May 25, 2018, bringing about several changes to Europe's current data protection regime.

Among others, these changes include: (a) New obligations for data processors and controllers (such as Data Impact Assessments, Data Protection Officers, Data Breach Reporting, and so on); (b) enhanced rights for data subjects; (c) new accountability requirements (including keeping track of all data collection, storage, transfer, deletion, and other forms of data processing); (d) significant fines for noncompliance (up to 4% of annual worldwide turnover or EUR 20 million, whichever is higher); and (e) wider territorial scope (extending it outside the EU).

Although the GDPR was adopted almost two years ago, it only recently sneaked onto the agendas of Bulgarian businesses – and it has created mass hysteria. Indeed, the Regulation's provisions would not seem so remarkable had the provisions of the repealed Directive 95/46/EC and the Personal Data Protection Act been effectively applied in Bulgaria in the past.

Nevertheless, the GDPR is here and Bulgarian businesses must cope with its challenges. The biggest challenge is for micro-enterprises, small and medium-sized enterprises, and those with limited financial resources. They should bring their activities in line with the Regulation, and the question which inevitably arises is how to do so as effectively as possible. The answer to this question lies precisely in the GDPR and the option of drafting and adhering to Codes of Conduct.

#### What are Codes of Conduct?

Codes of Conduct are drawn up by associations and other bodies representing categories of controllers or processors to facil-

itate the effective implementation of the GDPR, considering specific features of the various processing sectors and the specific needs of micro, small, and medium-sized enterprises (recruitment agencies, accounting enterprises, hospitals, etc.). The Codes of Conduct may set out the terms which must be applied by the controllers and personal data processors with respect to bona fide and transparent processing, the legitimate interests of controllers in specific aspects, the collection and pseudonymization, the exercise of the data subjects' rights, data breach notifications, the transfer of personal data to third countries or international organizations, and so on.

#### How Could a Code of Conduct Help?

Codes of Conduct are approved by the competent regulatory authority – the Bulgarian Personal Data Protection Commission – which is a sufficient guarantee that the terms set out therein meet the numerous requirements of the GDPR.

By taking advantage of this option, companies from specific sectors can unite their efforts and avoid struggling alone to bring their internal policies for personal data processing in line with the Regulation.

Further, adherence to an approved Code of Conduct may also be used as proof of compliance with several obligations for both controllers and processors. A practical example is the obligation of a controller to only use personal data processors which provide sufficient guarantees for the application of appropriate technical and organizational measures to safeguard personal data. Making such an assessment for each of the processors engaged by a controller would significantly impede the process of selecting the right contractor. If, however, a processor adheres to an approved Code of Conduct, this can be used as evidence for providing sufficient guarantees. Thus, on the one hand, such a processor is more attractive to the controllers, and on the other hand, a controller who selects this processor can be more confident that he or she has made the right choice and complied with the obligation under the GDPR. In other words, "hit two rabbits with one shot."

In addition, the adherence to an approved Code of Conduct is one of the mitigating factors considered for by the Commission for Personal Data Protection when imposing and determining sanctions – which, as indicated earlier, are quite substantial. It is important to emphasize that formal adherence to Codes of Conduct is not sufficient to avoid a sanction. The terms set in a Code of Conduct should be implemented effectively and applied in practice.

The advantages of Codes of Conduct are significant, and the controllers, the personal data processors, and their associations and partnerships should benefit from them.

*Stefana Tsekova, Partner, Schoenherr Sofia*

## ROMANIA



## Keeping Track of Data Processing



Gelu Maravela

Without going into too much detail, having seen the recent turmoil regarding the implementation of the General Data Protection Regulation and the fact that the subject has been more than widely debated, we wish to point out that, from our point of view, record keeping of data processing activities is a key aspect in a proper GDPR implementation scheme.

Depending on the size of the operator, the frequency of processing activities, and the character of the data that is processed, keeping records of all processing activity should be deemed necessary for a considerable number of operators. From our point of view, only operators that process personal data in exceptional and inconstant instances will be exempt from the obligation of record keeping.

We believe that any operator who consistently processes data needs to monitor these activities in order to prove alignment with GDPR provisions, according to the categories of processed data.

Operators transferring data to third countries or international organizations should take into account the conditions that lie at the foundation of these transfers in order to identify the situations where evidence of the transfer warranty documentation needs to be provided. This may vary depending on the nature of the data being processed, the persons whose data is being processed, and the third party countries the data is being

sent to. A first step in identifying transfers' warranty measures is analyzing the data protection and security measures contained in the legal provisions of the state to which the transfer will be made, in order to identify the extent to which these are compatible with the GDPR regulations and what supplementary warranties may be necessary.



Daniel Alexie

Records of processing activities can be kept by one or several employees or even by an entire dedicated department, depending on the volume of the organization's activities. Similarly, depending on the overall volume of those activities, the operators can choose to store the data in either electronic or physical format.

In order to easily access and update its contents, it is advisable to store the data processing evidence in an electronic format.

Although it is not expressly stated in the GDPR, we can conclude that record keeping of data processing activities is meant to replace the obligation to notify the supervising authorities regarding the aforementioned activities, leading us to believe that operators will be even more aware and responsible, especially since they have to clearly identify *all* processing categories, whereas, under the previous regime, only some categories had to be notified to the regulating authorities. We therefore recommend very detailed record keeping, to give operators the opportunity to minimize potential doubts regarding their compliance with GDPR provisions.

Keeping records of processing activities will allow the operators to identify the essential data processing-related elements within their organizations. These elements can eventually lead to identifying the correct measures necessary to ensure GDPR compliance and implementing mechanisms for the same, thus minimizing the risk of GDPR-related fines.

Thus, GDPR-affected organizations should make, keep, and update information about their data processing activities, preferably in electronic format.

From our point of view, a good starting point for record keeping is organizing the processed data in a way that allows the clear differentiation and specification of categories, targeted persons, data transfers, deletion terms, and security measures implemented in order to protect the aforementioned information.

As the GDPR was implemented on May 25, 2018, this important step should, ideally, already have been implemented and customized to its provisions.

*Gelu Maravela, Founding Partner, and Daniel Alexie, Senior Associate, Maravela | Asociatii*

## TURKEY

## Personal Data Protection Under Turkish Law: An Overview of Compliance Projects



Hatice Zumbul

After Personal Data Protection Law number 6698 came into force (April 7, 2016) in Turkey, and following a two-year-transition period (which concluded on April 7, 2018), the compliance process has been initiated in regard to general principles and rules on processing of personal data.

Only “personal data” – defined as “any information relating to an identified or identifiable natural person (‘data subject’)” – is classified as protected under the Personal Data Protection Law. Therefore, the “personal data” that needs to be protected by companies should be separated from other data. In this scope, natural and legal persons who qualify as “data controllers” should first identify that data when conducting data inventory and data mapping in compliance projects. The classification should be made carefully, taking into consideration the characteristics and regulations of the sector that the data controller participates in.

### Obligations of Data Controllers

A “data controller” is defined as any natural or legal person who determines the purposes and the tools of personal data and who is responsible for installing and administering the data register system. Natural persons, companies, public institutions, occupational organizations, foundations, and associations can all qualify as “data controllers.” All obligations and liabilities under this legislation are stipulated for only those data controllers.

The main obligations of data controllers under the legislation are: (i) to inform, (ii) to provide data security, (iii) to fulfill the demands of data subjects, and (iv) to conduct inspections.

### Transfer of Personal Data Abroad

In principle, it is possible to transfer personal data abroad if the explicit consent of the data subject exists, or where an adequate level of protection is provided in the foreign country the data will be transferred to. In addition, the Turkish Data Protection Authority (DPA) may give its consent to the transfer where data controllers in Turkey and in the foreign country where data will be transferred to guarantee adequate protection.

The countries providing an adequate level of protection shall be identified and announced by the DPA. When determining whether an adequate level of protection exists, the DPA will consider: (i) reciprocity between Turkey and the country which data will be transferred to, (ii) the characteristics and purpose of

processing the personal data, (iii) the regulations of the country where data will be transferred to, and (iv) guarantees given by the data controller in the foreign country which the data will be transferred to.

### Sanctions

If data controllers do not comply with this legislation, the following sanctions may be applied: (i) Pecuniary damages; (ii) Non-pecuniary damages; (iii) Imprisonment of one to seven years; or (iv) Administrative fines of between five thousand to one million Turkish liras.

### Main Steps to be Taken

In light of current developments, the following main steps should be taken by companies in the compliance process:

1. Conduct a data flow mapping, and create a data inventory in order to have information about which data you have, where it is kept, who is responsible for managing it, what its purpose and the legal basis of data processing is, who the recipients of the personal data are, and for what period the personal data will be kept (or the statutory data retention period), *etc.*
2. Create appropriate informed-explicit consent mechanisms.
3. Revise the company’s contracts, and, where appropriate, conduct negotiation processes accordingly.
4. Ensure that electronic surveillance systems in the workplace such as camera surveillance, electronic or biometric entry and time detection, global positioning systems, and electronic transmission surveillance are compatible with regulations.
5. Set up mechanisms to ensure data security such as restricting employees’ access to data, pseudonymizing or encrypting data, using multi-layered security software, firewalls, and anti-virus programs, using remote wiping softwares, using privacy-enhancing technologies, choosing right and safe cloud services, backing up files, excluding data from the cloud which could be classified as confidential business information or sensitive data, and regularly testing, assessing, and evaluating the effectiveness of technical and organizational measures.
6. Assign a managing director who will be responsible for data protection under the provisions of the Turkish Commercial Code.
7. Draw up/revising privacy, cookies, and cybersecurity policies.
8. Evaluate the compliance of data transfer both in domestic and foreign territories and drawing up data transfer contracts.
9. Inform and train employees about current regulations relating to security and protection of personal data.

Hatice Zumbul, Head of Data Protection and Privacy,  
Nazali Attorney Partnership



## *"Grows Along With Knowledge"*

NAZALI Attorney Partnership is a full-service law firm providing a wide range of legal service to its both national and international clients with its expert and experienced team. Our core objective is to establish a long-term and trust based relationship with our clients and to provide the most convenient service in the most accurate and fastest way.

- Corporate & Commercial Law – Company Restructuring
- Mergers & Acquisitions
- Dispute Resolution and Arbitration
- Capital Markets & Financial Law
- Taxation Law
- Customs Law
- Social Security Law
- Labour Law
- Criminal Law (White Collar Crimes)
- Administrative Law
- Real Estate and Rental Law
- Intellectual Property Law
- Execution and Bankruptcy

[www.nazali.av.tr](http://www.nazali.av.tr) | [www.nazali.com.tr](http://www.nazali.com.tr) | [www.vergijandasi.com](http://www.vergijandasi.com)



### **İSTANBUL**

19 Mayıs Cad. Dr. İsmet Öztürk Sok. No: 3 Elit Residence  
Kat 10/28 – 29/60 Şişli 34360 İstanbul, Türkiye  
Tel: +90 212 380 0640 / Faks: +90 212 217 1890



### **İZMİR**

Adalet Mah. Manas Bulvarı Folkart Towers B Kule No: 47/2209  
Bayraklı, İzmir, Türkiye  
Tel: +90 232 290 0998 / Faks: +90 232 290 0999



### **ANKARA**

Kızılırmak Mah. 1450 Sok. Ankara Ticaret Merkezi (ATM) B Blok  
No: 1/29 Kat 5Karakusunlar, Çankaya, Ankara, Türkiye  
Tel: +90 312 286 1006 / Faks: +90 312 286 1007



### **BURSA**

Odunluk Mah. Akademi Cad. Zeno Center C Blok No: 2/14 Kat 3  
Nilüfer, Bursa, Türkiye  
Tel: +90 224 441 19 50 / Faks: +90 224 441 19 51

## UKRAINE

## IP for Software, or What One Should Know When Acquiring Proprietary Rights to Software



Oleg Batyuk

According to experts, Ukraine ranks fourth in the world in export of IT-products; *i.e.*, software. It is not a rare phenomenon for Western counter-parties buying software to encounter a low level of pre-sale clearance. In other words, the Ukrainian sellers are not always able to confirm their title rights to the software they dispose of, potentially exposing foreign buyers to the risk of IP-related claims of third parties.

Such risks may be mitigated by pre-sale due diligence of software, particularly focusing on the following issues: (1) the seller's title to the software, and (2) the contract disposing of proprietary rights to the software.

**1. The seller's due diligence:** both the author of software and the person who acquired the proprietary rights to the software as a result of the employer-employee relationship or civil law relationships may act as the seller of the software. In the latter instance, if the seller and the *author* are not the same *person*, the entire chain of transfers of proprietary rights to the seller must be verified. For this reason, the seller shall be requested to provide:

- *for employer-employee relationships:* an employment contract; job description; technical design specification; certificate of delivery and acceptance; and any other document which may prove that the software was created and proprietary rights thereto were transferred to the employer. **Important Issue to be Verified:** the employment contract should expressly provide for the employer's exclusive ownership of the proprietary rights to the software. Otherwise, such rights will constitute the joint property of the employee and employer. **Important Issue to be Verified:** the employment contract should list all proprietary rights which originate from or are transferred to the employer as a result of working for hire. Those rights which are not expressly stated as transferred shall be deemed to be vested with the employee.

- *for civil-law relationships:* there are three agreements that fall within this category: (i) an agreement for transfer of rights; (ii) a commissioning agreement; and (iii) an independent contractor contract. In addition to these agreements, the following should be provided: all supplements, attachments, and acts to the agreements; technical design assignments, as well

as any other documents referred to in the agreements. Important Issue to be Verified: all such agreements should list, whenever possible, those proprietary rights that the buyer wishes to receive. Again, all things that are not specified as transferred are deemed to be remaining with the previous owner. Important Issue to be Verified: only an individual originator may act as contractor under the commissioning agreement. The commissioning agreement should contain the provisions related to the manner and order of utilization of the software and provide for the commissioner's ownership of the proprietary rights to the software. Important Issue to be Verified: an independent contractor contract does not automatically provide for a transfer of proprietary rights to the software from the contractor to the customer. To avoid the risk that the rights to the software product will remain with the contractor such rights should be transferred on the basis of a separate agreement for transfer of the rights.

Once the seller's due diligence is complete and foreign buyer is confident that the seller is entitled to dispose of the proprietary rights to the software, it is possible to proceed to the next stage.

**2. Audit of the contract disposing of proprietary rights to the software.** As a rule, proprietary rights to the software are disposed of by means of: (i) an agreement for the transfer of rights to the software, or (ii) a commissioning agreement. Although we have already specified the requirements of Ukrainian laws for such agreements, they are, again:

**Agreement for Transfer of Rights.** The agreement for the transfer of rights should correctly state the name of the relevant software, list all possible rights to the software, and contain the seller's warranties. As a rule, such agreements are non-gratuitous, unless otherwise expressly set out in the agreement.

**Commissioning agreement.** As to the commissioning agreement, it is important to confirm that it was concluded with the individual originator. In addition, the agreement should specify the methods and order of application of the software as well as establish the commissioner's title to the proprietary rights (otherwise, such rights will constitute the joint property of the commissioner and contractor). The commissioning agreement is non-gratuitous.

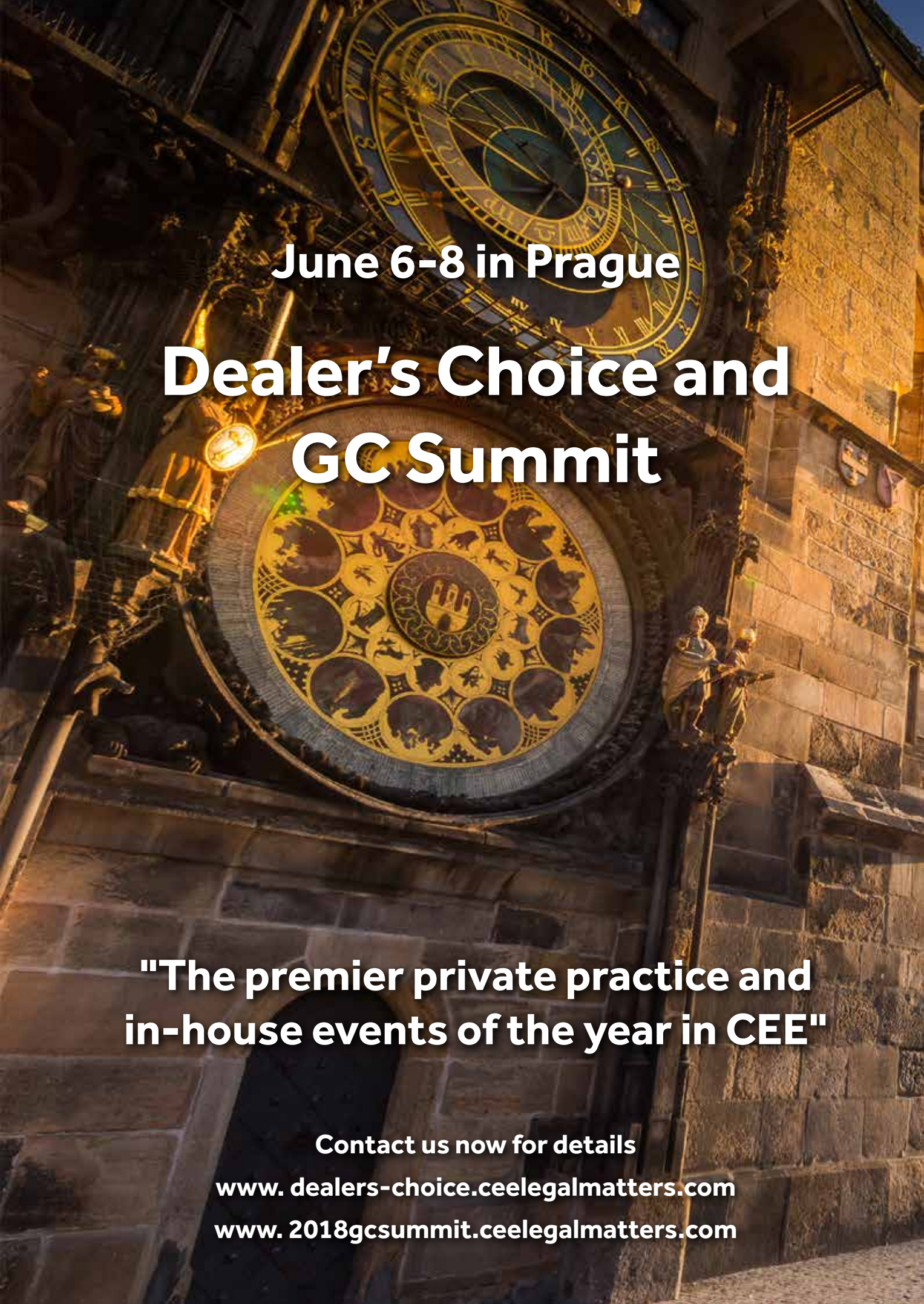
We hope that all of our above thoughts will be useful for conclusion of agreements for purchase of proprietary rights to the software.



Oksana Horban

Oleg Batyuk, Head of IP, and Oksana Horban, Counsel,  
Dentons Kyiv





**June 6-8 in Prague**

# **Dealer's Choice and GC Summit**

**"The premier private practice and  
in-house events of the year in CEE"**

**Contact us now for details**

**[www.dealers-choice.ceelegalmatters.com](http://www.dealers-choice.ceelegalmatters.com)**

**[www.2018gcs Summit.ceelegalmatters.com](http://www.2018gcs Summit.ceelegalmatters.com)**





# C/M/S/

Law . Tax

## Excellence in CEE

- Only firm to be top ranked by Chambers Global for every CEE category
- More M&A deals successfully completed than any other firm
- 600+ lawyers across 17 CEE offices
- Advising clients in CEE for over 25 years
- More UK and US lawyers on the ground than any other firm
- German, English and local language advice from every office

CMS is an international law firm that helps clients to thrive through technical rigour, strategic expertise and a deep focus on partnerships.

**Your World First**  
**cms.law**