

AQUITAS

CONSTRUCTION  
AND REAL ESTATE

## construction & real estate

Construction & Real Estate is one of **AEQUITAS**'s oldest and most active areas of practice, accumulating the firm's impressive experience. **AEQUITAS** has contributed its legal support to the construction of major industrial and social facilities and large residential complexes in different regions of Kazakhstan.

**AEQUITAS** lawyers are well aware of all practical nuances associated with construction activities and interaction with governmental agencies, while adhering at all times to the high standards of transparency and professional ethics in their practice. The firm's huge experience of representing major foreign investors allows it find efficient legal solutions to complicated issues related to the exercise of rights to immovable property. The firm's expertise comprises intricately structured transactions over land plots, buildings and residential and administrative compounds, including issues of securing and performing obligations to foreign lenders.

*"The team makes this practice unique."*  
The Legal 500 2020

*"They provide in-depth expert advice on complicated Kazakh law matters. Response times are short and quality of work is high."*  
The Legal 500 2018

Client representation in courts and arbitrations over construction-related disputes is a significant portion of the firm's dispute resolution practice. **AEQUITAS** lawyers have been defending a large Indian transnational company active in oil sector design and construction in a litigation over construction of USD 200 million facilities located at Kashagan oil and gas field.

A famous Kazakhstan scholar and a leading expert in this area, Prof. Kulyash M. Ilyasova, Doctor of Law, has joined **AEQUITAS** team to work on most complicated construction and real estate projects as a Counsel.

# legal services

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Advice on land law matters, issues of land plot taking (including for the state needs), changing the land plot category and designation, combining and division of land plots, compensation of agricultural production losses, establishment of mortgages and easements, legal claims, and foreclosure as part of bankruptcy proceedings and enforcement proceedings.

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Advice on and drafting of package construction contracts, including complex EPC contracts.

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Advice and legal support in transactions involving real estate and construction project financing and crediting.

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Due diligence of construction projects and real estate title.

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Advice on various construction issues (construction permitting documentation, preparation and expert review of design-and-estimate documentation, construction work implementation, commissioning of constructed facilities, etc.).

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Legal support in the state registration of real estate title and encumbrances.

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Legal support in obtaining architecture, town-planning and construction licenses.

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Construction-related environmental advice.



# most representative projects

Representing a local subsidiary of a major Indian company performing design and construction operations (as a subcontractor under the contract with Agip Kazakhstan North Caspian Operating Company N.V.) in a number of litigations over different contracts related to construction (including design and procurement) of an oil export pipeline in the framework of the Kashagan field pilot development program. Besides, AEQUITAS represented the client in a dispute over arbitration clause invalidity, which prevented dispute submission to foreign arbitration under LCIA Rules.

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Advice to Skidmore, Owings & Merrill, a US-based architectural bureau, on different aspects of doing business in Kazakhstan. AEQUITAS advised the client on the licensing of activities in the area of project documentation, which is prepared outside Kazakhstan and further adapted by a Kazakh design company, and the procedure for rendering engineering services (technical and author's supervision).

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Advice to ChevronMunaiGas regarding land plot easements for design-and-survey operations and client representation in the process of easement registration.

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Advice to PRK Partners, a Czech law firm, for its client, a major European manufacturer of solar power equipment for a contemplated energy facilities construction project in Kazakhstan. Analysis of the current Kazakhstan legislation pertaining to regulation, use and functioning of renewable power sources; advice regarding electric power market functioning; selection, allotment and obtainment of land plots and construction of facilities.

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Advice to the international University of Central Asia established under the International Treaty among the Republic of Tajikistan, Kyrgyz Republic, Republic of Kazakhstan and Ismaili Imamat on all issues of the University campus design and construction in Tekeli, including all regulatory issues – from land plot selection and land title perfection to facility commissioning.

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Advice to a number of South Korea major construction companies and banks on a wide range of construction, financing and related issues pertaining to their projects in Kazakhstan, including construction of residential compounds in Almaty (APPLE TOWN). For nine years AEQUITAS has been rendering legal support to the residential construction projects at all stages of their implementation. The firm's lawyers were advising on the issues of shared participation, taking of land for construction, execution of permitting documentation, regulation over individual stages of construction, etc. Acting on the side of Korean financial institutions, AEQUITAS lawyers conducted due diligence, advised on project finance structuring issues, security transactions and their termination, sale of assets and transaction closing. This is one of a few integrated infrastructure projects whose full legal support has been implemented by a local law firm.

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Due diligence of land plots and advice to METRO Cash&Carry regarding immovable property acquisition for the construction of shopping centers.

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Advice to Jones Lang LaSalle, a financial and professional services firm specializing in commercial real estate services and investment management, on different issues of doing business in Kazakhstan, including legal regulation over engineering activities. AEQUITAS lawyers represented the client before the authorized agency in connection with obtaining a license for architectural, construction and town-planning activities. In the framework of a construction facilities maintenance and operation project in Astana, AEQUITAS lawyers were advising on personnel occupational safety training and other aspects of the multifunctional complex management.

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Advice to a Korean construction company regarding disputable issues in connection with the construction and commissioning of a gas-filling compressor station related to the procedure for amendment of the design-and-estimate documentation in the course of construction and assembly work tender, approval of the estimate documentation by the state expert organizations, and procedure for the approval of deviations from the design-and-estimate documentation when performing the construction-and-assembly operations.

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Representation of an international service company in a project for the construction of facilities at Kashagan oil and gas field, involving adjustment of the contracting agreement and the General Conditions of Contract for Construction (FIDIC Red Book 1999) to the local statutory requirements).

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# most representative projects

Drafting of a complicated contract for construction of a gas pipeline to ensure functioning of a lubricant manufacturing plant for the major Russian oil company. AEQUITAS lawyers developed an intricate scenario of legal relations among the customer, general contractor and subcontractors, whereby the direct control over the subcontractors' work could be exercised by the client-customer. According to legislation, only a licensed general contractor may exercise control over subcontractors. AEQUITAS proposed several strategies to the client providing for direct control over, and management of, subcontracts by the client.

All-round advice to Bazis-A (Kazakhstan's largest construction corporation) and its subsidiaries on a number of projects over the past several years.

Advice to a Czech financial institution on a wide range of issues of a residential complex financing and construction in Almaty, including shared participation issues, possible premises sale options, permitting documentation, regulation over individual stages of construction, etc.

Advice to a well-known international architectural company in connection with the project to design a sports and leisure complex in Burabay, Kazakhstan's largest resort area.

Comprehensive advice to potential concessionaires on different aspects of national-significance toll roads development, including issues of land selection and obtainment, construction of facilities, traffic regulation, interaction with local authorities and determination of their scope of powers.

Advice to Tengizchevroil LLP on residential construction issues and drafting of a package construction contract for employee residential settlement in Atyrau.

Advice to the Government of the Republic of Kazakhstan regarding disputable legal relationship with a group of foreign contracting companies in connection with reconstruction (construction) of a section of Almaty–Astana motorway, including advice on regulatory issues of construction and capital contracting under the previously effective (Soviet) and current Kazakh legislation.

Advice to the one of the world's largest oil companies on a wide range of complicated construction law issues in connection with an oil field project. The work also included an in-depth assessment of perspectives of using available dispute resolution mechanisms.

Advice to one of the largest wind power design developers in Latin America and Russia in connection with the preparation of a contract for design of renewable energy source facilities and bringing the design to the construction-ready stage.

Advice to a major Kazakh company active in shared-participation construction regarding deal structuring in connection with certain partners' participation in a residential microdistrict construction project in West Kazakhstan.

Advice to Impregilo S.p.A., a major Italian construction company, on local law issues in connection with a World Bank funded irrigation system construction project, including analysis of disputable legal relations with governmental agencies concerning commissioning of constructed facilities and final settlements.

Advising on a regular basis Lior Corporation LLP, a construction company, on local doing business matters, including continuous monitoring of the Republic of Kazakhstan's land legislation and legal evaluation of the possibility to take land plots for construction.

Advice to a major foreign investor regarding legal regulation over acquisition of rights to agricultural-designation land plots, possibility of their enforcement in the framework of bankruptcy and enforcement proceedings, execution of joint operating agreements with agricultural farms, and associated risks.

Advice to a major foreign investor on complicated local law issues in connection with the construction of main and process pipelines (EPC—Construction of “Trunklines and Production Flow Lines”) at a large Kazakhstan field.

# membership



The Law Society



The British-Kazakh Society



ASSOCIATION  
OF INTERNATIONAL  
PETROLEUM NEGOTIATORS



Global HR Lawyers  
lus Laboris



TERRALEX



CIS LCN



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АССОЦИАЦИЯ  
www.eurasiancompetition.org

# ratings

*"AEQUITAS has assisted us in multiple matters over the past few years in relation to Kazakhstan law, and I have been delighted by their service in all respects".*

**The Legal 500 2023**

*"The team members are attentive to detail and provide complex legal support. They adapt to client needs and complex problems. They have an intuitive grasp of cross-border dynamics".*

**Chambers Asia Pacific 2023**

*"AEQUITAS is very responsive, flexible and thoughtful with regard to the client's business concerns."*

**Asialaw Profiles 2023**

*"We appreciate AEQUITAS' responsiveness, clarity and ability to comply with the instructions provided and meet relevant deadlines."*

**Chambers Asia Pacific 2022**

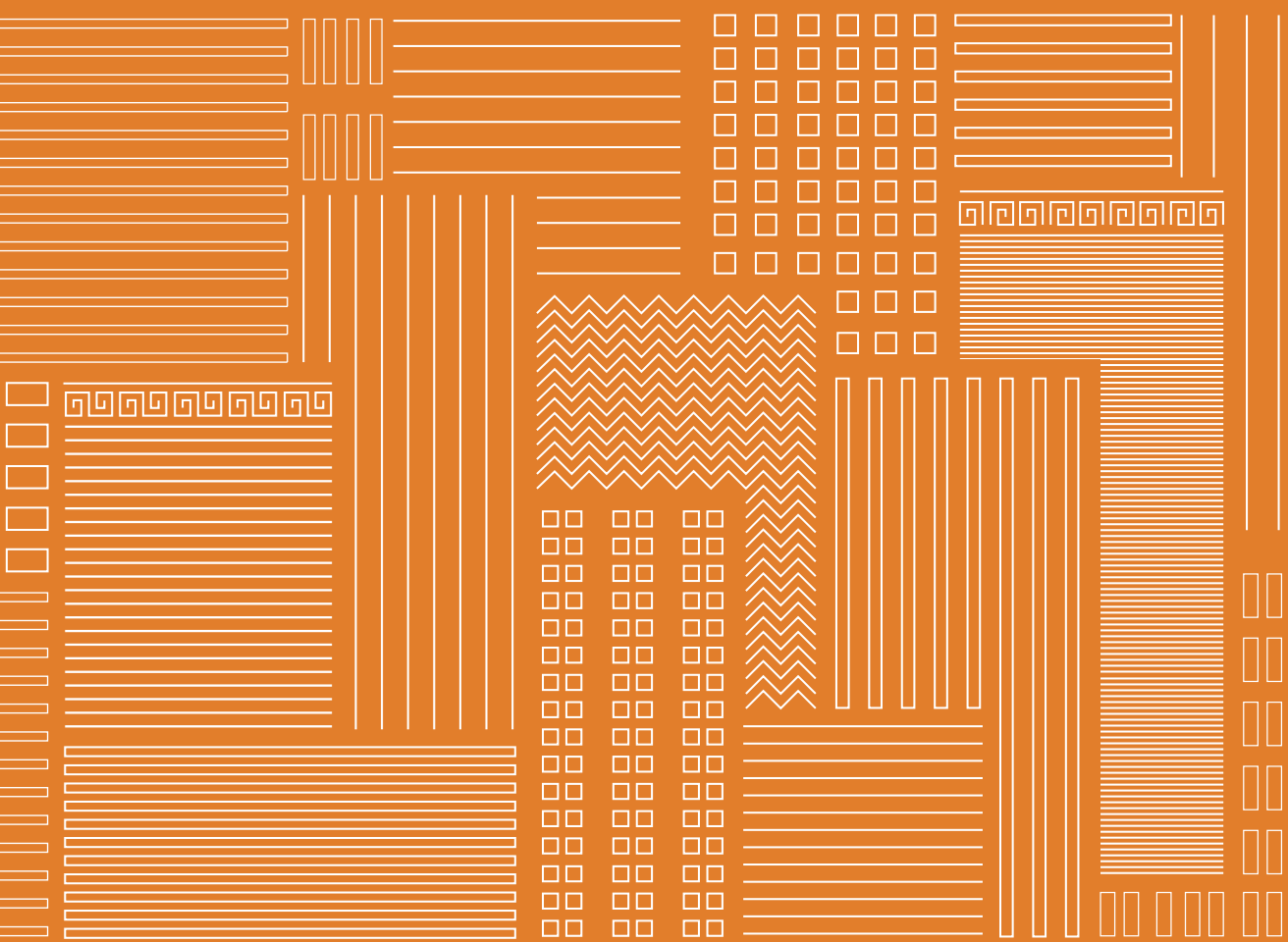


**Infrastructure**  
Recommended



The construction and real estate department at **AEQUITAS** is known for its involvement in the construction of major industrial and social facilities, as well as large residential complexes in Kazakhstan. Construction-related litigation and international arbitration form a significant portion of the team's workload, although it is also well-placed to provide foreign investors with transactional advice in relation to land plots, buildings, and residential and administrative compounds.

**Ardak Idayatova** <sup>Recommended</sup> and  
**Nurlan Sholanov** <sup>Recommended</sup> jointly head  
up the practice .



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