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# ÆQUITAS

**TRANSPORT &  
MERCHANT SHIPPING**

# transport & merchant shipping

AEQUITAS regularly advises clients on a variety of issues pertaining to legal regulation of transportation activities in Kazakhstan. The firm's projects embrace both comprehensive research of legislation covering different aspects of transportation activities, and advice on legal relationships between transportation companies and their customers. The firm has been engaged to perform full due diligence of major Kazakh transportation companies in the context of M&A transactions economically significant for Kazakhstan.

The firm's lawyers were engaged by EBRD to draft the Merchant Shipping Law and Railway Transport Law of the Republic of Kazakhstan. Development of trade relations and growth of commodity turnover, including on account of merchant

shipping where Kazakhstan does not have long-term historical traditions, has dramatically boosted the role of legal support in this area.

AEQUITAS is one of a few local law firms possessing experience in the merchant shipping area. For many years, the firm was representing BUE in connection with its contractor work and sea transportation services for an oil consortium in the Caspian offshore zone. The firm's lawyers advised major international banks (Royal Bank of Scotland, Lloyds TSB Bank Plc. and other) on a range of merchant shipping matters.

# services

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Advice on different matters pertaining to local and international legislation in the sphere of transportation and merchant shipping.

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Legal support in the procedure of sea vessels registration in the Kazakh registers of vessels, and aircraft registration.

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Legal support in M&A transactions, including due diligence of target transportation companies.

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Obtainment of licenses for all types of merchant shipping activities.

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Legal expert review of shipping contracts, vessel chartering contracts, cargo insurance contracts, vessel insurance contracts, third party liability insurance contracts and other legal instruments.

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Integrated legal support in transactions whose subject matters are means of transportation (railway rolling stock, aircrafts, sea vessels, motor cars and pipelines).

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Preparation of legal opinions on various issues relating to the state regulation of transportation activities.

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Legal assistance in the procedure of acquiring the right to fly the Kazakhstan flag for sea vessels.

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Obtainment of permits for foreign vessels coastal navigation.

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Drafting and review of shipping contracts involving different means of transportation.



# most representative projects

Advice to a number of major foreign banks (Bank of Scotland, Lloyds TSB Bank Plc, and other) regarding the procedure for foreign vessels pledged to them to temporarily fly the Kazakhstan flag; legal status of a foreign vessel, which is the subject of financial leasing and has been transferred to a local lessee; legal peculiarities of taking (attachment) of pledged property under the Kazakhstan legislation.

Representation of BUE in connection with its contract work and sea shipping services for an oil consortium in the Caspian offshore zone, including re-registration, reflagging, pledge and insurance of foreign sea vessels.

Representation in court of Air Astana JSC, Kazakhstan's leading airline, in connection with a dispute over air ticket sales via third parties.

Advice to Enhance Aero on different issues of local legislation governing air transportation activities and legal support in the process of de-registration of the company-owned aircrafts for their further transfer into another jurisdiction.

Regular advice to Freight One JSC, the largest freight railway operator in Russia, on different issues of its activities in Kazakhstan, as well as support of the project involving registration of Freight One Central Asia LLP, advice on different corporate and antimonopoly, registration and accounting issues, including customs clearance of railway cars and taxation in connection with the import of railway cars into Kazakhstan.

Preparation of legal opinion for the Shipowners' Club regarding applicable liability under criminal, civil, labor, insurance and other branches of Kazakhstan legislation in connection with a collision of ships and causing injuries to crew members and damages to company property.

Work together with Swederrail AB Corporation (Sweden) on EBRD's pilot railway commercialization project.

Advice to Hewlett-Packard in connection with a transaction involving supply of automated railway control equipment to the national railway operator.

Integrated analysis of legislation regulating transportation activities, pursuant to Etihad Airways enquiry.

Advice to Far East Marine Company CJSC regarding the possibility to use on special terms (without reflagging) in the Kazakhstan territorial waters foreign vessels, including Russian, involved in an oilfield development project.

Integrated analysis of legislation, including that governing transportation activities, for METRO in the framework of setting up and development of its business in Kazakhstan.

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Legal support in the procedure of sea vessels state registration and de-registration for Caspian Mainport Aktau LLP.

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Preparation of a local law legal opinion for a Dutch court regarding antimonopoly regulation over railway transportation services.

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Advice to a large local geological prospecting company on the issues of construction of an oil terminal and legal regulation of oil transportation.

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# membership



The Law Society



The British-Kazakh Society



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PETROLEUM NEGOTIATORS



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[www.eurasiancompetition.org](http://www.eurasiancompetition.org)



# ratings

*“AEQUITAS provides very high-quality legal services in Kazakhstan; we had no doubts about who to contact for advice. The work was done clearly within the agreed time frame, and we received the most comprehensive answers to our questions”.*

**The Legal 500 2023**

*“AEQUITAS worked with great efficiency and well under the proposed budget. They adapt to client needs and complex problems”.*

**Chambers Asia Pacific 2023**

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

**Chambers Asia Pacific 2022**

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

**asialaw Profiles 2023**





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