



**SAYAT ZHOLSHY
& PARTNERS**
Lawyers and attorneys at law

Hundreds of won cases and completed billion-dollar transactions. Selection of top national and international companies



**20 YEARS
OF SUCCESS**

ANTITRUST (COMPETITION) LAW



- “A major force in antitrust and competition,” Asia Law Profiles.
- “Has a profound knowledge of competition law, market trends and enforcement practices,” Legal 500 EMEA.

ANTITRUST (COMPETITION) LAW

Year after year, the antitrust practice of Sayat Zholshy & Partners, a leading Kazakhstan law firm, is recognised as the best in the country.

Our experience includes the implementation of multi-billion dollar projects, participation in antitrust (competition) law making and issuance of the first Kazakhstan scientific legal monograph on antitrust (competition) law in the Republic of Kazakhstan.

Our antitrust team consists of the most competent experts on antitrust (competition) law, including the former vice chairman of the Committee for Protection of Competition of the Kazakhstan Ministry of Industry and Trade (antitrust authority of the Republic of Kazakhstan).

Year after year, our antitrust (competition) practice and lawyers are recognized by various international legal guides, including Chambers Global, Who is Who Legal, Legal 500 and Asia Law Profiles, as the best in Kazakhstan.

Senior Partner Aidyn Bikebayev was ranked by Who's Who Legal as the only acknowledged expert in the field of Kazakhstan antitrust regulation for several years. Partner Amir Begdesenov was included into the rating of Who's Who Legal Competition: Future Leaders - Partners

We actively participate in numerous organizations and related activities, such as:

- Interdepartmental Commission for Legislative Drafting formed by the Kazakhstan Government.
- Conciliation Commission of the Committee for Regulation of Natural Monopolies, Protection of Competition and Consumer Rights under the Kazakhstan Ministry of National Economy.
- Council for Protection of Competition formed by the National Chamber of Entrepreneurs of the Republic of Kazakhstan.
- Competition Promotion in the CIS Countries, a non-commercial partnership.
- Kazakhstan Bar Association.
- Board of the Antitrust Alliance.

We have represented our clients in nearly all landmark antitrust investigations.

All the foregoing allows us to stay up-to-date with current antitrust law enforcement practice.

SERVICES

- DEFENDING CLIENTS BEFORE COURTS OF ALL JURISDICTIONS
- PROVIDING LEGAL SUPPORT IN CONNECTION WITH PRIVATE ANTITRUST ACTIONS
- PARTICIPATING IN CONCILIATION COMMISSIONS AS AN INDEPENDENT EXPERT OR ATTORNEY OF AN INVESTIGATION TARGET
- REPRESENTING CLIENTS DURING ANTITRUST INVESTIGATIONS
- REPRESENTING CLIENTS (WHO SEEK ANTITRUST CONSENT AND/OR UNDERGO ANTITRUST PROBE) BEFORE ANTITRUST AUTHORITIES
- DRAFTING ANTITRUST APPLICATIONS/NOTIFICATIONS AND REPRESENTING CLIENTS IN CONNECTION THEREWITH
- REVIEWING TRANSACTIONS FROM THE PERSPECTIVE OF ANTITRUST APPLICATION/NOTIFICATION REQUIREMENTS
- TRANSACTION STRUCTURING ALLOWING TO DISPENSE WITH ANTITRUST CONSENTS
- CONDUCTING ANTITRUST AUDITS
- MAKING RECOMMENDATIONS ON THE IMPLEMENTATION OF ANTITRUST RISK MITIGATION STRATEGIES
- NEGOTIATING 'ADMISSIBLE' AGREEMENTS WITH ANTITRUST AUTHORITIES IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN ARTICLE 171 OF THE ENTREPRENEURIAL CODE
- REVIEWING CONTRACTS, POLICIES, PRACTICES AND OTHER DOCUMENTS WITH REGARD TO THEIR COMPLIANCE WITH ANTITRUST (COMPETITION) LAW.
- ENSURING ANTITRUST COMPLIANCE

EXPERIENCE ANTITRUST ADVICE

- Providing legal support to leaders in various sectors of economy (e.g. tobacco production, mobile communications, power generation, pharmaceuticals, manufacturing of products relating to healthcare and personal/occupational/ industrial hygiene, etc.) with regard to antitrust compliance
- Issuing a legal opinion and rendering legal advice with regard to a rebate program for distributors of a global company dominating an essential commodity market all over the world. The Counsel's objective was to prevent antitrust authority's allegations of market foreclosure
- Advising a leading mobile operator in connection with the execution of an agreement with their competitor on 4G/LTE network sharing (including legal support in the course of negotiations, revision of the agreement draft versions, justification of the agreement execution for antitrust purposes, and negotiation with the antitrust regulator as prescribed by Article 171 of the Entrepreneurial Code)
- Advising a major telecom operator with regard to their inclusion into the Register of Market Dominants
- Advising one of the largest dairy producers on the issues arising from a coercion to sign a supply contract and the risks associated with the refusal to sign such contract which might be qualified by antitrust authority as an abuse of dominant position
- Rendering legal advice and assistance to a number of international law firms with regard to antitrust compliance of their clients' transactions with distributors and retailers, either inside or outside Kazakhstan, which can result in market foreclosure in Kazakhstan
- Advising a Kazakhstan cement plant owner on antitrust compliance of a proposed distributorship and pricing system. Drafting complaints to antitrust authority with regard to unfair competition on the part of other market players
- Issuing a legal opinion on the legality of claims of the Kazakhstan Agency for Protection of Competition regarding the abuse of a dominant position through the impairment of customers' legitimate rights as a result of roaming service disconnection of advance/credit system subscribers when their balances are below the roaming threshold set by a mobile operator. A potential penalty is estimated as KZT11,595,829,445

- Providing legal support to the largest natural monopolies and market dominants in Atyrau Oblast and Astana City in connection with the acquisition of assets and interests in other companies
- Drafting a pricing policy in compliance with Kazakhstan antitrust law for a cement producer holding a dominant position in the cement market across various regions of Kazakhstan

ECONOMIC CONCENTRATION

- Drafting an application and obtaining consent to economic concentration as a result of the merger of two large global oil service companies which, eventually, formed the second largest service provider to oil and gas producers
- Drafting an application and obtaining consent to economic concentration as a result of the global merger of two leading dairy producers
- Drafting an application for consent to economic concentration as a result of the acquisition of 100% shares in an oil company
- Drafting an application and obtaining consent to economic concentration as a result of a sale and purchase transaction in relation to a leading Kazakhstan transportation company
- Drafting an application and obtaining consent to economic concentration as a result of a transaction implying the purchase of a dealer network of a leading manufacturer of hoisting and conveying equipment. In this transaction we represented a large international law firm
- Drafting an application and obtaining consent to economic concentration as a result of a change in the ownership structure of a Big4 firm. In this transaction we represented a Magic Circle international law firm
- Drafting an application and obtaining consent to economic concentration as a result of the acquisition of shares in a global pharmaceutical leader. In this transaction we represented a leading international law firm
- Drafting an application and obtaining consent to economic concentration as a result of the acquisition of shares in a Russian cosmetics and toiletries producer. In this transaction we represented a global market leader in food and household products

- Drafting an application and obtaining consent to economic concentration as a result of the acquisition of shares in a foreign entity acting as the sole participant of a major Kazakhstan transportation holding company, the owner of a huge (by Kazakhstan standards) railway car pool
- Drafting an application and obtaining consent to economic concentration as a result of a transaction implying the purchase of a 100% interest in the authorised capital of a major Kazakhstan owner of a metallurgical plant. In this transaction we represented a large Singaporean holding company

ENFORCEMENT PRACTICE

- Representing (as a representative of the investigation target) the largest mining and metallurgical company (the investigation target) in front of the Conciliatory Committee of the Kazakhstan Antitrust Authority in connection with cartel accusations
- Participating (as an independent expert) in a meeting of the Conciliatory Committee of the Kazakhstan Antitrust Authority with regard to an application from the largest Kazakhstan wholesale and retail trader of petroleum products.
- Representing a major non-alcoholic beverages producer in connection with challenging anticompetitive accusations from antitrust authority. As a result, the Client avoided loss due to the cancellation of 51 mln USD penalties
- Representing a major food producer in connection with pretrial resolution of a dispute with the Kazakhstan Antitrust Authority
- Arranging, through legal proceedings, for revocation of a number of orders to rectify antitrust violations and to remit 23 mln US dollars of monopoly revenues to the budget
- Representing a major power company in the court of original jurisdiction in connection with their appeal against anticompetitive and abuse allegations from antitrust authority. As a result, over 20 million US dollars penalty assessment was invalidated
- Representing a subsidiary of the world's biggest dairy company in connection with their appeal against the findings of anticompetitive concerted practice investigation. In the course of the project implementation, SZP team not only put forward solid arguments based on antitrust provisions, but also formulated the behaviour of the respective departments of the Client in their communications with antitrust authorities, and drafted/executed relevant documentation

- Representing one of the biggest domestic vegetable oil producers in connection with their appeal against the findings of antitrust investigation based on the information underpinning their allegations of anticompetitive concerted practices
- Representing a leader of the Kazakhstan fuel and lubricants market in connection with their appeal against abuse allegations from antitrust authority and invalidation of the monopoly revenue assessment in the amount of approximately 70 mln US dollars
- Advising, on a regular basis, a gas station network owner (holding a dominant position in the domestic petroleum retail market) with regard to the allegations of an abuse of their dominant position and anticompetitive concerted practices due to fuel price increase in some regions of Kazakhstan
- Appealing against unlawful actions of antitrust authorities trying to include our Client into the register of companies dominating the respective market
- Representing a major domestic company owning food production facilities in court in connection with its exclusion from the state register of companies occupying dominant position within merchant borders of certain Kazakhstan regions
- Representing a major Kazakhstan manufacturer in connection with their dispute with a natural monopoly (listed on the Kazakhstan Register) over applied tariffs
- Challenging in the court of original jurisdiction the findings of antitrust investigation of alleged abuse by a major petroleum retailer of its dominant position in the petroleum retail market across nearly all Kazakhstan regions. A potential administrative penalty is estimated as KZT1,171,474,167
- Challenging in administrative proceedings the findings of a preliminary investigation of alleged antitrust offence and vertical anticompetitive agreement by a company dominating in the tea wholesale market of Kazakhstan. A potential administrative penalty is estimated as KZT18,156,178
- Issuing an expert opinion on antitrust law issues requested by the Kazakhstan Supreme Court in connection with arbitration between international oil service companies. Client: the largest Singaporean law firm

TEAM



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AWARDS



Senior Partner Aidyn Bikebayev is recognized as a Leading Practitioner



Firm has experience of handling a range of work, including licensing, M&A and antitrust matters



"Has a profound knowledge of competition law, market trends and enforcement practices"



"A major force in antitrust and competition"