

Who's Who in Tax Law

Ukrainian Tax Legislation Was Described as a Tangled Area

By Nataliya I. TKACHENKO

All Ukrainian tax legislation was described as "complicated and tangled" and was called the biggest challenge a business can face. Respondents admitted that successful work with tax legislation requires two higher educations, economic and law proper. Such a combination is not widely offered in the Ukraine and that is why many professional firms have auditors on the staff. The most common view about tax law in the Ukraine was "many firms but too few professionals". The main obstacle for successful business activity in the Ukraine is the intricacy of changeable and unclear tax legislation.

KM Partners (before January 2003 known as **Klitochenko, Minin & Partners**) is a multi-service law firm which was established in 1999. The key areas are tax, investment, corporate and contract law and real estate. The firm's clientele is mainly foreign companies, business entities with foreign investments and other Ukrainian legal entities engaged in international projects. The client list includes, inter alia, Philip Morris, Kraft, Cargill, Lucent Technologies, ABB, Schneider Electric, Coca Cola, entities belonging to the Raiffeisen group, Graphia Ukraine and others. The firm's partners are

Alexander Minin, Alexei Ivanov, Arthur Kotenko and Yuriy Lazorenko, who are also often quoted as the top specialists in their respective fields.

With its headquarters in Kiev, **PricewaterhouseCoopers** has a good team of 22 professionals, providing premium services quickly and effectively. It is one of the top three largest providers of taxation and legal services in the world. A total of 2,850 professionals in the tax and legal disciplines work in over 140 countries. The Kiev team is headed by **Jorge Intriago**, partner and Tax and Legal Country Leader Ukraine, who is also Vice President of the European Business Association. **Vladimir Didenko**, Senior Manager of the Taxation and Legal Services of PricewaterhouseCoopers, who is also the Chairman of the Tax Committee of the European Business Association, is a well-known tax expert. The Kiev office handles all the tax affairs of many multinationals like British American Tobacco Ukraine, Philip Morris Ukraine, TNK, Procter & Gamble, Henkel Ukraine and others.

In challenging the actions of tax and customs authorities **Ernst & Young** provides excellent services, particularly in

LEADING FIRMS

1	Klitochenko, Minin & Partners
2	PricewaterhouseCoopers
3	Ernst & Young
4	Vasil Kisel & Partners
5	ANK

The selection of the firms in the table reflects the research of the editorial staff at Yuridicheskaya Praktika Publishing and is based on interviews with clients, lawyers and academics. It remains a subjective view and implies no disparagement of any firm not mentioned here but which is nevertheless active in this field.

tax law. The team, which started its work in the Ukraine in 1991, now advises clients on tax efficient structures and is ready to provide tax litigation throughout the country. The global network of the firm's services (1,850 lawyers in over 60 countries) enables clients to achieve their key business objects.

The firm of **Vasil Kisel & Partners** is highly rated both in the Ukraine and abroad. Year after year it occupies the top spots in ratings of Ukrainian law firms. **Oleg Makarov** and **Sergei Finogin** are recommended for tax law.

The main areas of the Odessa-based law firm **ANK** are maritime law and taxation. The firm successfully works with Odessa, Izmail and Illichevsk ports and other notable clients. It recently handled a case on taxation interpretation abolition. It brought a suit against the Ukrainian Government on behalf of Odessa port on abolition of the lighthouse tax decree. **Alexander Kifak** is the director of the firm. It works actively with foreign clients and

The names of law firms and all lawyers whose nominations were accepted by the editor were published without charge; it was impossible to buy entry into the publication. Contributors and other law firms were invited, but not required, to supply their profiles to the Journal Law Directory and Counselink which were published upon payment of a fee.

LEADING INDIVIDUALS

1. Alexander Minin	KM Partners
2. Vladimir Didenko	PricewaterhouseCoopers
3. Sergei Finogin	Vasil Kisel & Partners
4. Alexander Kifak	ANK
5. Andrei Vishnevsky	Sergiy Koziakov & Partners



Alexander Minin
KM Partners

The highest level professional
in the area of tax advice

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provide multi-language support. It was also said to give grants and practice opportunities to law students on a competitive basis.

Operating since 1996, Ukrainian law firm **Veritas** has several offices in the Ukraine, including Dnepropetrovsk (the head office), Kiev, Kharkov, Kherson, Donetsk, Melitopol, Krivoi Rog, and Lugansk. The team of 42 lawyers was recommended predominantly by local clients. It has recently acted for the Interpipe Corporation against the Ukrainian Government in connection with a toughening in tax bills. In June 2002 there also was a case about justification of taxpayers' rights to use zero VAT rate in export operations under FOB condition (INCOTERMS). The leading lawyers are **Alexander Tyschik**, **Sergei Drayuk**, **Vera Krat**, **Dmitriy Shevchenko**. The main clients include Credit-Dnepr Bank, oil & gas traders Avias, Sentoza Group, the Petrovsky metallurgy plant in Dnepropetrovsk, Interpipe Corporation, OJSC Dnepropetrovskgaz, Billa-Ukraine, the Adoption Center with the Ministry of Education of the Ukraine.

The Kiev office of **Baker & McKenzie** also provides tax advice. One of the 22 leading lawyers who represent the firm in the Ukrainian capital is **Sergei Piontkovskiy**.

Konnov & Sozanovsky's tax attorneys provide tax advice to corporations and individuals. Matters handled by the team include tax planning, tax-free and taxable restructuring, tax litigation, etc.

Pravis attorneys at law under the leadership of **Igor Pukshin**, the former deputy Minister of Justice of the Ukraine, continues successful tax and general advising to its clients, the list of which includes Neftegaz Ukraina, Ukrtelekom, Ukrgazdobycha, etc.

Law firm **Pravis**, (being the namesake of the above mentioned firm and located in one of the central Kiev streets), is highly regarded. Led by **Andrei Orlov** the team provides top-end tax advice to both local and foreign clients. The firm has representatives in

Odessa and Dnepropetrovsk, which makes it possible to provide legal services locally and on an ad hoc basis.

One of the brightest firms, **Sergiy Koziakov & Partners**, is headed by **Sergiy Koziakov**, PhD and member of the Ukrainian Association for International Law. He is also a member of the Ukrainian State Tax Administration Civil board. Taxation is one of the firm's favorite areas, with **Andrei Vishnevsky** and **Tatyana Tymchenko** the main specialists. The firm works with internationally famous brand-names like McDonald's Ukraine, Avon Products Ltd., Lafarge S.A. and others.

B.C. Toms & Co advises on effective tax planning, including for transactions involving securities, corporate acquisitions and reorganizations, leasing and joint ventures. The firm also negotiates the resolution of tax disputes, one of which resulted in the removal of over US \$ 15 million of tax fines imposed on an oil & gas company. Recently the firm advised several leading energy companies and financial institutions on the implementation of their employee share plans in the Ukraine.

Kiev law firm **Atlant** was involved in a suit against a Regional Tax Administration on behalf of a local client and won the case despite such verdicts being rare in the Ukraine. The range of clients includes the Russian Embassy, Ukrainian airline Aerosvit as well as the famous pharmaceutical company Pfizer. Its leading lawyers are **Sergey Platonov**, **Alexander Prokopenko** and **Vitaliy Vakulenko**.

Shevchenko Didkovskiy & Partners provides a full range of services and also handles many tax issues. Its lawyers are advising Austrian Airlines, Beiersdorf AG, GTECH and the Kiev Sport Club on different legal issues, including tax, which appear in connection with doing business in the Ukraine.

International law firm **Altheimer & Gray**, founded in 1915, was one of the first to come to the Ukrainian legal market when it came in 1993. International taxation was named as one of the firm's areas of work.

Meta-Inform, which operates in Odessa is recommended by competitors for providing high level taxation law services. The team advises ports, foreign and local industrial and pharmaceutical companies as well as foreign consulates. It has been a member of the Euroyuris Russia-Ukraine Partnership since 2001. Its leading lawyers are **Mikhail Gorbato** and **Sergei Lysov**. ■

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