



Pavel Boulatov

Counsel, Moscow

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Bars and Courts

Qualified to practice law in the Russian Federation

Education

Mari State University School of Law, 2004

Awards and Recognition

The Legal 500 2020 – Arbitration and Mediation: Rising Stars

The Legal 500 2019 – Arbitration and Mediation: Next Generation Lawyers

Chambers Europe 2021 – Dispute Resolution/International: Up and Coming

Chambers Europe 2021 – Dispute Resolution: Domestic High-End in Russia: Up and Coming

Pavel is ranked in Up and Coming *Best Lawyers* – International Arbitration, Litigation, Insolvency and Reorganization Law, Arbitration & Mediation,

Euromoney's Expert Guides – Litigation: Rising Stars

Kommersant – Individual rating for International Commercial Arbitration, Litigation, Debt Recovery & Insolvency

Languages

English

Russian

Citizenship

Russian Federation

Practice Experience

Pavel Boulatov joined the Moscow office of White & Case in 2004. He focuses on international arbitration, litigation and insolvency proceedings. Pavel has experience in international commercial and investor-state arbitrations involving Russia and other CIS countries and is on the lists of International Arbitrators of HKIAC, the Arbitration Court of the Russian Union of Industrialists and Entrepreneurs and the Arbitration Center at the Institute of Modern Arbitration.

He also represents Russian and foreign companies in proceedings before Russian commercial courts in various regions and at all levels, in a wide range of construction, finance, corporate and other business-related often multijurisdictional disputes. Pavel regularly advises on conflicts of laws, as well as jurisdictional and enforcement issues, and acts as an expert on Russian law in non-Russian court proceedings.

Pavel also has significant expertise in Russian insolvency proceedings and represented creditors, debtors and administrators in large bankruptcy cases. He is frequently published in legal journals and is a sought after speaker at many landmark legal conferences.

Pavel's recent and ongoing matters include advising:

Investment Arbitration:

- The Republic of Belarus in investment treaty claims commenced by: (i) OOO Manolium Processing under the UNCITRAL Rules; (ii) Grand Express NJSC under the ICSID Rules; (iii) Delta Belarus Holding BV under the ICSID Rules.
- A major Russian telecommunications company MTS in ICC arbitrations against state entities and the state of Turkmenistan in connection with breaches of contractual obligations, as well as in an ICSID (Additional Facility) arbitration against Turkmenistan.
- The Government of Georgia in arbitration proceedings before the ICSID in two cases brought by Itera International Energy LLC and Itera Group NV.
- A CIS government in a US\$400 million ad hoc arbitration under the UNCITRAL Rules concerning the expropriation claims made by the foreign investor on the basis of the country's foreign investment law.

International Arbitration:

- Unipro in the Russian law governed SCC arbitration proceedings with the companies of General Electric Group, concerning performance of the power plant maintenance agreements. The dispute amount is over US\$100 million.
- A Belarussian contractor in an SCC arbitration against Turkmenistan and a Turkmen state concern. The dispute relates to the construction of an ore fertiliser plant in Turkmenistan under a US\$1 billion contract.

Professional Associations

- Fellow of the Chartered Institute of Arbitrators (FCIArb)
- International Bar Association (IBA)
- Russian Arbitration Association (RAA)
- INSOL International

Publications

- Arbitration Law and Practice in Central and Eastern Europe. – 2nd Edition. – JURIS PUBLISHING – 2020.
- Co-author: Measures Adopted to Support Distressed Businesses Through the Covid-19 Crisis. – INSOL International – World Bank Group Global Guide. – May 2020.
- Co-author: Recognition and Enforcement of Foreign Arbitral Awards in Russia and the Former USSR Countries. – Arbitration Association. – 2019.
- Attachment orders (freezing injunctions) Q&A: Russian Federation. – Practical Law. – 30 September 2019.
- Legal privilege, confidentiality and professional secrecy Q&A: Russian Federation. – Practical Law. – 30 September 2019.
- Service of claim documents within the jurisdiction and abroad Q&A: Russian Federation. – Practical Law. – 30 September 2019.
- Recovery of trade debts Q&A: Russian Federation. – Practical Law. – 31 May 2019.
- Commentary for the article “New immunities of property in Russian
- The Republic of Belarus in an arbitration under the Rules of the International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation (ICAC) against a Russian company arising out of a deed of guarantee governed by English law.
- Czech companies in an ICC arbitration and a set of related proceedings before the Russian state courts of several instances arising out of a set of construction contracts and bank guarantees.
- The Moscow Government as a respondent in arbitration proceedings in the International Commercial Arbitration Court (MKAS) at the Chamber of Commerce and Industry of the Russian Federation. The dispute concerns the breach of an investment contract relating to an office building in Moscow.
- A CIS government in an arbitration dispute in the International Commercial Arbitration Court in Moscow regarding gas supply contracts.
- A major cement producer in two English law governed arbitrations at International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation (ICAC) against a group of Russian individuals in a post-M&A dispute related to the breach of indemnities and warranties; as well as representing the cement producer in the insolvency proceedings of one of the respondents and in Russian court proceedings on enforcement and challenge of awards.
- A group of companies producing car heating and air-conditioning systems in the International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation (ICAC) in a dispute against a large car manufacturer arising out of a supply agreement and, in the Commercial Court of Samara, in a multijurisdictional dispute initiated by the car manufacturer arising out of a refusal to supply car components.
- The Russian lime-sand brick plant in a dispute before the International Commercial Arbitration Court for the Russian Chamber of Commerce arising out of the supply of defective lime-sand brick press by a German manufacturer SKM GmbH. We successfully assisted the client to receive an award for recovery of damages, as well as to enforce the arbitral award in Germany.
- The major Polish bank Bank Polska Kasa Opieki S.A. in an arbitration dispute in the International Commercial Arbitration Court in Moscow related to the collection of loan proceeds.

Litigation in support of arbitration proceedings:

- A Receiver appointed by a Cypriot court over two Cypriot companies and their subsidiaries in Russia in support of arbitration proceedings

law". – ZAKON, №6. – June 2018.

- Co-author: Russian court practice on disputes related to documentary letters of credit. – Legal work in a credit organization, №1. – January 2018.
- The Insolvency Review. – Law Business Research. – 7th Edition. – 2019.
- Co-author: Scientific and practical article-by-article commentary to the legislation on arbitration. – Russian Arbitration Association. – August 2017.
- Co-author: Overview of the latest changes in the bankruptcy legislation. – LawTEK. – March 2017.
- Responsibility for breach of liabilities: clarification of certain aspects. – Oil. Gas. Law (Нефть. Газ. Право), 5th Edition. – 2016.
- Challenging Transactions Made by Debtors in Anticipation of Insolvency: The Plenary Session of the Russian Supreme Commercial Court Made the Clarifications. – Journal of Bankruptcy Law. – March 2014.
- Co-author: "Treatment of Secured Claims in Insolvency and Pre-Insolvency Proceedings II", – INSOL International – November 2020.

on the issues of preservation and recovery of their assets and representing them in various court proceedings in Russia.

- Turkish construction company ENKA in a contractual dispute that involved securing an urgent injunction from the Moscow Commercial Court in support of a Geneva-based ICC arbitration.
- Russian major telecom company MTS and its US subsidiary in the proceedings before the Moscow Commercial Court concerning the attachment of the assets of the State of Turkmenistan in support of US\$855 million ICC arbitration.
- French bank Credit Lyonnais in a dispute before the Commercial Court for Saint Petersburg and Leningrad Region relating to the claim under €25 million advance payment guarantees that were subject to French law and secured the obligations of one of the parties to the parallel Stockholm arbitration proceedings.
- Hydro Agri, the subsidiary of Norwegian fertilizer company Yara International in a shareholders' dispute with Russian company Acron over their joint venture, Nordic Rus Holding, in the Moscow Commercial Court and related Stockholm arbitration proceedings.
- Russian subsidiary of Wintershall A.G. in disputes with a Russian shipbuilder over the German law governed construction contract before the Commercial Court of Astrakhan Region and in a related arbitration under the UNCITRAL rules.
- TeliaSonera in the Russian court proceedings related to arbitration proceedings in Stockholm and various judicial proceedings outside Russia concerning its shareholding in Russian telecom company MegaFon.
- A Jersey oil trading company in Russian proceedings in respect of the enforcement of an LCIA award against an oil company owned by one of the North Caucasian republics of the Russian Federation.
- Cukurova Holding A.S. in proceedings before the Supreme Commercial Court of the Russian Federation and related proceedings in Swiss, Netherlands Antilles and BVI courts concerning the annulment/enforcement of two arbitral awards.

Insolvency matters:

- Dekhkanabad Potash Plant, the sole potash fertilizer producer in Central Asia, in a number of cross-border disputes with its Russian contractor (undergoing bankruptcy), in connection with the construction of a potash plant in Uzbekistan.
- UniCredit Bank AG as a creditor in the insolvency of Probusinessbank. In the framework of the insolvency proceedings, the creditors also challenged the sale of shares in the subsidiary banks at an auction.
- Alexey Bazarnov, a receiver of a high-net worth individual Sergey Poymanov, appointed by a Russian court in connection with

precedent-setting case in the US, the amount in dispute being in excess of US\$500 million. The proceedings resulted in an order of the US Bankruptcy Court for the Southern District of New York granting recognition of the receiver's status as a foreign representative and the Russian bankruptcy proceedings in the US.

- Credit Europe Bank, a Dutch-registered bank owned by the Turkish financial holding company, FIBA Group; and its Russian subsidiary, Credit Europe Bank JSC, in insolvency proceedings and a range of related disputes with Art Aztek and its beneficiaries in Russia and the Isle of Man. The disputes concern the borrowers' failure to repay indebtedness under the credit facility agreements.
- former Chief Executive Officer at a now-insolvent Russian energy company, as defendant in a litigation case in the Russian court brought by an insolvency receiver to hold our client subsidiarily liable for the company's debts totaling approximately US\$27 million.
- Uniastrum Bank and its legal successor in insolvency proceedings of two companies of Gamma, a Russian hotel operator. We represented the client in three instances as well as in the Russian Supreme Court.
- Visteon Corporation, a US-based global automotive electronics supplier and a Fortune 500 company, in a dispute relating to the insolvency proceedings of our client's joint venture partner, Zavod Avtopribor, one of the largest plants in Vladimir region of Russia. We successfully challenged a Zavod Avtopribor creditors' decision and protected the corporate pre-emptive rights of our client in a participatory interest in joint venture, Visteon Avtopribor Electronics OOO.
- Kinson International Corporation, the main creditor of Oil Company Severneft, LLC, in claims exceeding US\$140 million in the course of insolvency proceedings initiated by the company. The focus of the dispute was on challenging claims made by another major creditor, JSC Reverta (ex. Parex Banka), which was seeking recovery of US\$75 million from Severneft.
- Czech Export Bank in the insolvency proceedings against a Russian debtor, major energy company GEP Vologdaoblkommunenergo and related proceedings for levying execution over the pledged assets and enforcement of joint liabilities of GP Oblastniye Electroteploseti.
- Two Kazakhstan major banks (BTA Bank and Alliance Bank) in several Russian proceedings concerning the recognition and enforcement of Kazakh court decisions on the restructuring of these banks.
- Creditors in the Russian bankruptcy proceedings in respect of the Russian companies of Amtel-Vredestein Group.

- JSC Energocentre, the subsidiary of JSC Moscow Region Energy Grid Company, in bankruptcy proceedings before the Moscow Region Commercial Court.
- A Sochi-based hotel development company in a land dispute with the city government, as well as in bankruptcy proceedings and related actions initiated by the creditors before the Commercial Court of the Krasnodar Region.

Russian courts experience:

- Unipro in a series of disputes with Rusal group following accident at Berezovskaya GRES in 2016. The disputes involved claims against PAO Unipro for over RUB 380 million as well as claims for termination of capacity supply agreements valued over RUB 36 billion.
- Facebook, the leading US-based global social media and technology company. in two sets of litigation proceedings initiated against Facebook and a number of other respondents by Kazakh businessman, Mr Kenes Rakishev.
- The Ministry of Justice of the Republic of Lithuania in relation to the claim, filed with the Moscow Commercial Court, by Vladimir Antonov, former owner of Snoras bank, for compensation for the expropriation of the bank's shares by the Republic of Lithuania and related procedures. With our assistance, the client has managed to convince the Russian court to dismiss the claims of Mr. Antonov in full.
- OJSC Belaruskali, one of the world's biggest producers and exporters of potash fertilizers, in a number of cross-border disputes with OJSC Penzkhimash concerning a supply of defective heavy machinery and insolvency of OJSC Penzkhimash.
- A Turkish bank Yapi Kredi before the Russian courts in a series of litigation proceedings in connection with Russian law bank guarantees issued by our client under instruction of the China Construction Bank and secured by the latter's counter-guarantees under Chinese and Turkish law.
- Bank of Cyprus in a number of proceedings before the Commercial Court for Saint Petersburg and Leningrad Region related to the recognition and enforcement of three Cypriot judgments in Russia for an overall amount of more than €20 million.
- A Russian individual in connection with a dispute between former business partners concerning the ownership of a number of companies registered in Russia, Cyprus, BVI, Singapore, Hong Kong and other jurisdictions. Our team, assisted by local counsel in Cyprus, has managed to obtain interim measures in the District Court of Limassol (Cyprus) to the benefit of our client and lift the interim measures imposed by the District Court of Nicosia (Cyprus) upon the adverse party's application. The scope of our advice extends to other

matters directly or indirectly related to the dispute, including various court proceedings in Russia.

- A leading Irish aircraft leasing company in aircraft repossession actions against a Russian air company before the Moscow Commercial Court that involved the application of the Cape Town Convention and the Aircraft Protocol.
- Les Editions Jalou before the Moscow Commercial Court and related French court proceedings in a trademark and license dispute with a Russian publishing house concerning the publication of its magazine L'Officiel in Russia and other CIS countries.
- The leading Russian aircraft engine manufacturer, NPO Saturn, in a series of proceedings with Unimpex Enterprises Ltd before the Russian and French courts related to recovery of contractual penalty and damages in the amount of more than €50 million.
- A German company before the Krasnoyarsk Krai Commercial Court in enforcement of its rights under the English law governed shareholders agreement in respect of a Russian joint venture in the aviation industry against BVI companies with Russian interests.
- A German leading manufacturer of engineered wood and its Russian subsidiary before the courts of Novgorod Region in a dispute arising from construction of a wood processing plant in Russia.
- Goldman Sachs in a dispute against Onexim Holdings over initiated to hold invalid the US\$100 million sale of shares in TGK-4 under the Onexim's Group offer for shares and the guaranties provided by Rosbank. The dispute was settled by an amicable agreement on terms favorable to our client.
- A number of major Chinese textile sellers in a range of Russian court proceedings before the Moscow commercial courts related to the recovery of debt under unpaid letters of credit issued by OJSC Bank Otkritie (Otkritie), which is one of top 35 Russian banks.
- Bank of Cyprus with respect to Cyprus- and Russia-related proceedings seeking to recover the debt of Cyprus-based trading company and affiliated companies.