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## Volodymyr Nakonechnyi

Managing Associate at International Dispute Resolution & Arbitration Practice, Attorney-at-Law, MCIArb

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**Location:** Kyiv, Ukraine

Volodymyr has more than 10 years of professional experience. He particularly focuses on the investment arbitration sphere and negotiations with the state on the settlement of investment disputes. He represented foreign investors in investment disputes in cases *Gilead v. Ukraine*, *Philip Morris v. Ukraine*, and *Morgan Furniture v. Ukraine*, settled peacefully during the cooling-off period. Volodymyr also represents clients in commercial arbitration and advises clients on disputes under the rules of key arbitral institutions (LCIA, SCC, SAC, VIAC, ICAC, ICC, GAFTA, FOSFA) as well as in *ad hoc* arbitrations under UNCITRAL Rules. He advises clients on complex cross-border dispute strategies, the enforcement of arbitration awards, and foreign court decisions in different jurisdictions.

### **EXPERIENCE:**

#### **Arzinger Law Firm**

- Managing Associate, Attorney-at-Law (April 2024 – present time)
- Senior Associate, Attorney-at-Law (April 2023 – March 2024)
- Associate, Attorney-at-Law (September 2021 – March 2023)

**Practice Areas:** Investor-State Arbitration, Commercial Arbitration, Cross-Border Litigation

#### **Law School of Ukrainian Catholic University**

Guest Lecturer (January 2024 – present time)

**Practice Areas:** Course on Claiming Reparations from Russia for Damages Caused by War (for master's degree students)

#### **Ulysses Law Firm (previously Marchenko Partners and Marchenko Danevych)**

- Senior Associate, Attorney-at-Law (January 2020 – August 2021)
- Associate (July 2015 – December 2019)

**Practice Areas:** Investor-State Arbitration, Domestic Litigation

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ARZINGER.UA

## **EDUCATION:**

### **European University, Kyiv**

PhD studies, (January 2024 – present time)

### **Taras Shevchenko National University of Kyiv**

Master's Degree (Tax Law) (cum laude), 2018

### **Taras Shevchenko National University of Kyiv**

Bachelor's Degree (Civil Law) (cum laude), 2016

## **PUBLIC ACTIVITY:**

Volodymyr is a guest lecturer at **Law School of Ukrainian Catholic University**. He teaches the subject "Compensation for Damages Caused by War" at the Ukrainian Catholic University (UCU) School of Law (since January 2024).

## **WORK HIGHLIGHTS:**

- ***Philip Morris International Inc. (USA) and Others v Ukraine.*** Representing Philip Morris in the investor-state dispute and negotiations with Ukraine and its Government concerning ungrounded UAH 1.2 billion tax claims imposed on Philip Morris Ukraine. Dispute settled with the Government.
- ***Gilead Sciences Inc. (USA) v Ukraine.*** Representing Gilead Sciences Inc. in USD 800 million investor-state dispute and negotiations with Ukraine and its Government concerning the infringement of valuable IP rights of the US investor, as well as in related administrative litigations and criminal proceedings. Dispute settled with the Government.
- ***Lorraine and Franklin McMahons (USA, Canada and France) and others v Ukraine.*** Representing investors in the investor-state dispute and negotiations with Ukraine and its Government concerning ungrounded currency control fines and a full ban of export operations imposed on Morgan Furniture LLC, the largest manufacturer and exporter of upholstered furniture in Ukraine, representing Morgan Furniture LLC in numerous related administrative litigations. Successfully resolved in courts during the cooling-off period in investment dispute.
- ***Wang Jing and others v Ukraine.*** Representing investors in USD 3.5 billion investor-state arbitration in relation to events around JSC Motor Sich – the largest Ukrainian manufacturer of aircraft and helicopter engines and turbines. This case is one of the biggest investor-state arbitrations against Ukraine ever.
- ***Ukrainian investors v Russian Federation.*** Representing investors in investment dispute under Russia-Ukraine BIT for loss of a major industrial asset in Donbas since 2014.
- ***U.S. Exim Bank v UkrLandFarming.*** Advising U.S. Exim Bank on dispute resolution strategy (related to insolvency proceedings, commercial litigations in Ukraine on issues of foreign law and criminal proceedings) and representing the U.S. Exim Bank in enforcement of multimillion debt against UkrLandFarming (Ukrainian agricultural group of companies).
- Advising global tobacco manufacturer on prospects of investor-state dispute against Ukraine concerning ungrounded fines imposed by the Antimonopoly Committee of Ukraine for alleged cartel collusion of tobacco manufacturers and their wholesale distributor, advising on litigation strategy for the Ukrainian court case against the AMCU in terms of crossing between investor-state negotiations and domestic litigation, representing the company in the investor-state dispute and negotiations with Ukraine.
- Acting as a co-counsel for a Spanish subsidiary of a major German manufacturer of munitions in multimillion ***ICC arbitrations*** and parallel settlement negotiations with a Ukrainian state-owned company arising from munitions supply contracts for the Ukrainian Armed Forces.

- Representing an Austrian trading company in a series of *ICAC at the UCCI arbitrations for lost profits under the CISG* against a Ukrainian state-owned company – the largest producer of rutile, ilmenite and zircon ores.
- Representing an Italian construction company as co-respondent in *UNCITRAL arbitration* under construction contract for the reconstruction of water supply facilities and consortium agreement.
- Representing (as a co-counsel) a Spanish construction company in *arbitration under EAC-ICAC Arbitration Rules* based on a construction contract for the reconstruction of electricity supply facilities.
- Representing the largest Ukrainian pet food manufacturer in *VIAC arbitration under English law* against an Italian manufacturer failing to produce equipment needed for manufacturing extension.
- Representing the world's largest cork producer and one of the most dynamic Portuguese multinationals as a claimant in *ICAC at the UCCI arbitration under Portuguese law* against a bad faith debtor, representing the client in subsequent enforcement efforts in national courts.
- Representing global agricultural companies in *GAFTA and FOSFA arbitrations*.
- Representing *Shell* in the *landmark sanctions-related litigation in Ukraine* in which the Ministry of Justice claimed shares which were owned indirectly (through JV) by good-faith investor (Shell) and a sanctioned individual.
- Acting as a Ukrainian law counsel for a large US ferrous materials producer in a *maritime and insurance dispute* with underwriters before the *Dutch courts*.

***MEMBERSHIP:***

- International Chamber of Commerce Young Arbitrators Forum (ICC YAF)
- Young International Arbitration Group (YIAG)
- Young ICSID
- Ukrainian Bar Association
- Ukrainian Arbitration Association

***LANGUAGES:***

English, Ukrainian