



LEGALINK
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**INTERVIEWS
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ONE YEAR INTO THE WAR

IN

Legalink interviews **Armen Khachaturyan**,
from Asters, Ukraine

UKRAINE



What has been the most challenging aspect of your work as a lawyer in Ukraine and the operation of Asters in general over the past year?

Today is the full year since Russia started the unprovoked cynical and brutal war in Ukraine. Although the situation remains extremely challenging, we stay optimistic and are confident in Ukraine's destiny as a prosperous European nation. We are encouraged by the universal international support from all over the world and by the determination of each Ukrainian to defend the country. As to professional challenges, for many of us attorney is such a profession that in any crisis would find an opportunity. Unfortunately, the war is a very special crisis, which unfortunately does not provide meaningful business opportunities. The biggest professional challenge for me and my partners in all recent months was keeping the firm afloat and taking care of the team addressing unprecedented personal and family problems, relocations, administrative and psychological support, teamwork coordination, pro bono and charity

efforts, etc. The elapsed time evidences that by and large we have coped with these challenges well. And in a way, our firm's experience reflects the overall situation in the Ukrainian legal market. It feels good that practically all our managerial decisions regarding support of the initial employee's relocation to safer areas in Western Ukraine, secured IT solutions, HR issues, including the introduction of the secondment program and modification of the payroll system, limitation of the firm's overall expenses, enhancing BD incentives, pro-bono, and CSR work turned out to be timely and allowed the firm to keep on in such a challenging environment.

Although at the beginning of the war, a large group of Asters employees moved to Western Ukraine with some (mostly women with children) moved across the border to various countries, including Poland, Hungary, the Czech Republic, Austria, Germany, Italy, Spain, Portugal, Asters has been working distantly - the COVID time trained us well for the efficient distant work. We did our best to assist with relocations, paying special attention to those who happened to be in the areas of combat or war-affected areas. Our main priority was and remains the safety of our employees and their families.

From day one, we were also actively involved in arranging for international aid to the Ukrainian army and vast humanitarian needs. Asters made its own significant financial donations. The firm has been actively interacting with charity funds and pharmaceutical companies to raise funds for supplies of personal protective equipment and essential medicines as

well as arrange for their delivery to Ukraine. The firm also has been advising pro bono various governmental agencies on drafting new laws and regulations, litigation, sanctions, compensation of war damages, etc.

At the same time, we had to reconsider and optimize our expenses in order to keep the firm afloat. We had to minimize BD, PR and administrative expenses. Since most of our team has been working remotely, we decreased the rented office space and renegotiated the rent amount. The firm also negotiated with friendly firms in several jurisdictions (Poland, Ireland, France, Sweden) a secondment program for some of our employees, thus easing pressure on the payroll. It has also been decided to incentivize all employees' BD efforts and restructure the payroll system, so it is tied closely to the actual work.

Most of our clients, both international and Ukrainian, now experience similar challenges because of the war. Most of their current requests relate to employment, tax, IP, reorganization, relocation, mobilization, and force majeure issues. Since many businesses have been suffering damages and loss of property, we regularly advise on how to evidence and assess them and what could be the legal ways to seek compensation.


We also receive requests and volunteer to provide legal support for war-related charity activities in Ukraine. A significant part of the matters related to criminal law and regulatory protection of business, as well as private clients' requests. Although traditional corporate, M&A, and finance work shrank in volume,

there are still projects for these practices. As noted, many of the above matters, especially those related to Ukrainian governmental agencies and companies and charity funds, are worked on a pro bono basis.

At the early stage of the war, practically all Ukrainian law firms ceased providing legal advice to Russian businesses and individuals unless they openly condemn or de-associate themselves with Russia's current political regime. We are happy that similar decisions have been approved by many law firms worldwide. Subsequently, Asters initiated, and are happy that it was so broadly supported, the statement of the Ukrainian Bar Association and Ukrainian legal market regarding the suspension of work with clients preserving their business presence in Russia.

At the same time, the war in Ukraine is not over yet. Ukraine still needs comprehensive international support from the world's governments and businesses, including law firms. The role of international lawyers will remain extremely important on such matters as the application of international sanctions against Russian entities and individuals, getting Russia and its decision-makers and war criminals liable for the war and all of its consequences, search for Russian assets subject to arrest and work on international investment projects within the anticipated vast international program on post-war restoration of Ukraine. These are the areas where we are always happy to join efforts with our foreign colleagues.

Currently, we remain working in a hybrid mode where many timekeepers work distantly from their homes in Ukraine or temporary homes abroad. At the same time, those employees who stay in Kyiv may come to the office when necessary. We understand that it is inevitable that Ukraine will revive itself once the war is over and vast international economic donor and investment programs are expected. Our task now is to preserve the firm's human resources and integrity to be able to immediately pick up the anticipated broad spectrum of legal work.



Has Legalink been able to assist Aster's lawyers in the past year? If yes, in what way?

On 24 February 2022, when the world woke up and found out that Russia attacked Ukraine, we started to receive emails and calls from the international legal community. Colleagues worldwide have been sharing our pain and offered different types of support – relocation to safe places, transportation and housing, and secondment for our team members. Legalink members were among them. We are very grateful for this support and solidarity during such difficult times for Ukraine.

What has been the impact of the war in Ukraine on the country's legal system?

The introduction of martial law broadly affected the Ukrainian legal system. While arranging for the functioning of the state mechanism under the new conditions, the Government introduced new and amended a large number of laws and regulations, including in areas such as employment, tax, currency control, banking, and energy. A separate package of laws referred to crossing the border for Ukrainian men, for Ukrainian state officials, as well as a number of procedures related to mobilization. Aster's team monitors the changes and regularly shares legal updates with its clients.

At the beginning of the war, Ukrainian courts and most regulators, such as the Antimonopoly Committee of Ukraine, stopped regular functions. After a few months, Ukrainian courts and regulators resumed administering justice and regulatory functions with broad safety measures and procedures, including online court hearings, simplified procurement procedures, and flexible work hours.

Asters' lawyers have actively participated in legislation drafting activities with the following most representative examples:

- Partner Markiyan Kliuchkovskyi has been appointed to the working group on the development and implementation of international legal mechanisms for compensation for war damage;
- Partner Oleg Boichuk has advised the National Council of Recovery of Ukraine from Consequences of War on urban planning, deregulation and projects to create housing and necessary infrastructure for internally displaced persons;
- Partner Yaroslav Petrov has worked with the Ukrainian Wind Energy Association and several renewable energy investors on drafting amendments to the law aimed at extending the pre-PPA and technical conditions to allow finishing construction of the wind energy projects after the martial law;
- Counsel Anzhelika Livitska contributed to the Ministry for Communities and Territories Development of Ukraine and the Confederation of Builders of Ukraine's efforts in drafting laws introducing deregulation measures for the period of martial law and for the period of restoration and rebuilding of Ukraine, in particular on amendments to the strategic environmental assessment and on issues related to the subsoil use.

How do you think the war will impact the future of Ukraine's legal system and its relationship with other countries in the region and/or international organizations like, e.g., the EU or NATO?

It has become apparent that Ukrainians are fighting today not only for the independence and freedom of their motherland but truly for principles of justice, freedom, democracy, and safety of the civilized world, first and foremost, the European countries. Ukrainians proved in combat that they have truly European values and goals. Ukraine has accelerated the process of its European integration following the receipt of the EU candidate status and expects an expedited procedure for admission to the EU as a full member. To make this happen, Ukraine keeps introducing reforms, including judicial reform, and adjusting national legislation to comply with the EU standards. Ukraine's neighboring countries are providing unprecedented support in hosting Ukrainian refugees and providing vast support with ammunition, weapons, and humanitarian goods. These efforts will never be forgotten by Ukraine, and they have strengthened international ties for generations to come.



Ukrainians are also happy to hear from NATO officials that Ukraine has all chances to become a NATO member state. With tremendous NATO countries' support in the ongoing war and the Ukrainian army's vast taking on NATO's standards, it seems to be a matter of very near future.



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