



## Sergiy Gryshko

### OVERVIEW

Sergiy Gryshko is the Head of the Queritius Kyiv office. He has more than 18 years' experience acting on behalf of clients at all stages of litigation, international arbitration, and enforcement, offering versatile advice on contentious matters.

Sergiy has handled arbitrations under a variety of international institutional and ad hoc arbitration rules, including ICACU, LCIA, LMAA, SCC, ICC, UNCITRAL, and ICSID.

He is a listed arbitrator of the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry (ICAC) and has sat as an arbitrator in more than 10 cases.

Mr Gryshko represents Ukraine at the ICC Commission on Arbitration and ADR.

He was nominated by Ukraine to the roster of arbitrators formed to resolve trade disputes between the EU and Ukraine constituted pursuant to Chapter 14(1) Title IV of the EU-Ukraine Association Agreement.

Mr Gryshko is a member of the Ukrainian Parliament Working Group on Procedural Law Reform and of the President's Judiciary Reform Council. He also serves on the Board of the Ukrainian Bar Association Committee on Procedural Law.

Sergiy is a member of the Arbitration Committee established according to the Law "On Financial Restructuring", introduced with the help of the EBRD and the World Bank. He has a long track record in advising energy, oil and gas-sector clients in investment arbitrations involving Ukraine. Acting as an official member of the Ukrainian Government Negotiating Team, Mr Gryshko was also involved in developing and negotiating some of the core international treaties and agreements for the government

Sergiy is ranked among the Leading Individuals in Dispute Resolution by Legal 500. He is recommended for Dispute Resolution: Domestic and Dispute Resolution: International by Chambers Global and Chambers Europe. Sergiy is Recommended in the Arbitration category in Who's Who Legal.

### CONTACT

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### BAR ADMISSIONS

- Attorney-at-law, Ukraine

### ACHIEVEMENTS

- Who's Who Legal, Arbitration
- Legal 500
- Chambers Europe

**SELECTED EXPERIENCE | PUBLIC INTERNATIONAL LAW**

- Drafting and negotiation of a number of treaties involving Ukraine (e.g., Framework Agreement with European Investment Bank).
- Participation in inter-agency working groups.
- Participation in Ukraine-Russia intergovernmental negotiations with respect to expropriation of property of the State of Ukraine within the territory of the Russian Federation, and careful study of Russian law on the subject involved.

**SELECTED EXPERIENCE | INVESTMENT TREATY ARBITRATION**

- Acting for the State of Ukraine in ICSID case No. ARB/04/2 (WNISEF v. Ukraine) under the Ukraine-USA BIT.
- Acting for a Canadian mining company in a USD 60 million UNICTRAL case brought under the Ukraine-Canada BIT over creeping expropriation of subsoil licences.
- Acting for an investor in the USD 800 million UNCITRAL case of *Tatneft v Ukraine* brought under the Ukraine-Russia BIT.
- Acting for an investor in the ICSID case of *City-State and ors. v. Ukraine* brought under the Netherlands-Ukraine BIT.
- Acting for a group of investors in the ECT arbitration against Ukraine over an increase in subsoil rent. This mandate included obtaining the first ever emergency award against Ukraine. The value of the dispute was USD 180 million.
- Acting for an investor in the USD 300 million UNCITRAL case of *Tatarstan v Ukraine* brought under the Ukraine-Russia BIT.
- Acting for an investor in PCA Case No. 2017-23 (*Igor Boyko v. Ukraine*) under the Ukraine-Russian Federation BIT.

**SELECTED EXPERIENCE | ECHR LITIGATION**

- Acting for LG Electronics Ukraine in a case brought over violation of Article 6 of the ECHR and Article 1 of the First Protocol.
- Acting for the applicant in the case of *Ukraine-Tyumen v. Ukraine* (application No. 22603/02) brought over a violation of Article 6 of the ECHR and Article 1 of the First Protocol.

**SELECTED EXPERIENCE | COMMERCIAL ARBITRATION**

- Acting for a Czech manufacturer against a major Ukrainian nuclear power-generation company in an arbitration proceeding under the Rules of Arbitration and Conciliation (Vienna Rules).
- Acting for a major international electronics producer in a series of ICAC arbitrations against a Turkish guarantor under a complex equipment supply contract.

- Acting for a Czech manufacturer against a major Ukrainian nuclear power-generation company in an arbitration proceeding under ICAC rules.
- Acting for the Krym Petroleum Company, a subsidiary of Norwegian oil and gas company Tiway Oil, in a complex multi-party ICC arbitration brought by an international drilling contractor under an IADC Daywork Contract.
- Acting for Ukrainian trading company in an LMAA arbitration with a Greek shipping company.
- Acting for a major Ukrainian development corporation in an LCIA arbitration over a Put Option.
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- Acting for Central European energy trading companies in two parallel proceedings in arbitration under the Rules of Arbitration and Conciliation (Vienna Rules).
- Acting for the vendors of a large office buildings complex in Kyiv in a Swiss Rules arbitration initiated by the Austrian investment fund. The combined value of claims was USD 50 million.
- Acting for the Italia-Ukraine Gas Company against Naftogaz Ukrainy on Ukrainian law issues in an SCC arbitration. The value of the dispute was USD 200 million.
- Acting for a large Hungarian importer of electricity in arbitration against the Ukrainian state electricity company.
- Acting for a large Middle East energy company in an SCC arbitration against the largest Ukrainian oil and gas company.

## **SELECTED EXPERIENCE | COMMERCIAL LITIGATION**

- Representing the European Bank for Reconstruction and Development (EBRD) in a USD 80 million enforcement of a secured syndicated loan against one of Ukraine's largest private rail operators.
- Representing Raiffeisen Bank International in cross-border enforcement of Ukrainian mortgages and pledges securing a USD 100 million loan against the Milkiland group, a major Ukrainian dairy producer.
- Acting for a major international banking group, on enforcement of a number of non-performing loans against a group of high net-worth value individuals. The combined value of the claims was over EUR 30 million.
- Acting for a foreign private bank and wealth management group in a lawsuit for debt enforcement in Ukraine under several loan agreements. The combined value of the claims was over USD 12 million.
- Acting for a large Austrian banking group on enforcement of a number of non-performing loans against a group of high net-

worth value individuals. The combined value of the claims was over EUR 10 million.

- Acting for a multinational producer of concrete in a multimillion-dollar dispute regarding a hostile takeover of its production assets in Ukraine by Ukrainian raiders.
- Acting for a large international food packaging producer in a hostile takeover of its Ukrainian subsidiary by Ukrainian corporate raiders.
- Engelhart Commodities Trading Partners, a major multinational commodities trader, in a series of claims against elevators for damages caused by the misappropriation of corn. The combined value of the claims was over USD 9 million.
- Acting for the world's leading frozen food distributor in EUR 1.5 million proceedings in a bankruptcy initiated against a Ukrainian trading company in the commercial courts of Ukraine.
- Acting for a British manufacturer of marine equipment in a dispute regarding arrest of its property by state authorities in Ukraine.
- Acting for a large Polish bank in a shareholder dispute with respect to its Ukrainian subsidiary.

## **SELECTED EXPERIENCE | ADMINISTRATIVE LITIGATION**

- Acting for a subsidiary of the largest Polish bank in a dispute with the Ukrainian tax authorities in regard to taxation of factoring operations in Ukraine.
- Acting for a Ukrainian subsidiary of a major international logistic operations company in a number of proceedings to invalidate decisions of tax authorities to reduce the amounts of VAT refund.
- Acting for a large oil and gas company in a successful challenge in the courts of Ukraine regarding Resolution № 647 of the Cabinet of Ministers, according to which the Government vested the largest state energy company with an exclusive right to sell gas to major industrial customers and public enterprises.
- Acting for a Ukrainian oil and gas company in a dispute with the Ministry of Economy and Trade over allocation of natural gas import quotas.
- Acting for Donbasenergo, a major Ukrainian power producing company, in a dispute regarding its privatisation in 2013.
- Acting for Members of Parliament and NGOs in a series of administrative cases challenging the resolutions of the state energy regulator fixing wholesale off-take energy prices for thermal power generation companies.
- Acting for an international shipping company in an administrative claim on challenging blocking of its vessel in a Ukrainian seaport.

**SELECTED EXPERIENCE | FRAUD AND WHITE-COLLAR CRIME**

- Acting for one of the largest international inspection services providers in the defence of claims brought as a result of large-scale and complex cases of fraud.
- Acting for an international inspection company on negligence claims arising out of its alleged failure to conduct a proper survey of real estate.
- Acting for the largest US producer of hybrid seeds in criminal proceedings against several manufacturers of counterfeit products.
- Acting for one of the largest international inspection services providers in the defence of claims brought as a result of large-scale and complex cases of fraud.
- Acting for a manager of the Ukrainian representative office of a major American IT company in criminal proceedings brought by the tax police as a result of the adoption of the local tax inspectorate’s decision on additional charges.
- Acting for a Ukrainian subsidiary of a major logistic operations company in a number of proceedings to invalidate decisions of tax authorities to reduce the amounts of VAT refund.
- Acting for a large steel trader in a criminal case against its supplier and Ukrainian officials on crimes against the steel trader.
- Acting for a foreign air carrier in a criminal case brought on charges of smuggling of its cargo aircraft.

**SELECTED PUBLICATIONS (in English)**

- Ukrainian Chamber of Commerce & Industry, International Commercial Arbitration Court (ICACU) and Maritime Arbitration Commission (MACU) | World Arbitration Reporter – 2018
- Delos Dispute Resolution Guide – Ukraine | Delos Dispute Resolution – 2018
- Expropriation | The Investment Treaty Arbitration Review. - Edition 2 – June 2017
- Ukrainian International Arbitration Law Reform: What Fate is My Tomorrow Brewing? | Young Arbitrators Review. – Ed. 22, July 2016
- Ukrainian Tax Disputes in 2016: Faster, Higher, Stronger | Ukrainian Law Firms. – Tax Controversy
- Khodorkovsky v. Russia before the European Court of Human Rights: A Lost Opportunity to Do Justice or Preserving the Legitimacy of ECtHR Adjudication? | Transnational Dispute Management. – TDM, vol. 9, issue 3, April 2012

- The Alpha Projektholding Award, Ukraine's First Defeat in ICSID Arbitration | The Ukrainian Journal of Business Law, № 1-2, January-February 2011

## SELECTED PUBLICATIONS (in Ukrainian)

- Commentary to Articles 353 and 354 of the Civil Code of Ukraine. – Civil Code of Ukraine: Scientific and Practical Commentary (explanations, interpretations, recommendations on the basis of the higher courts, Ministry of Justice, scholars, experts). | Vol. 5: Property and Other Rights to Goods / Prof. I.V. Spasibo-Fateyeva eds. – Kharkiv: Entrepreneur L.S. Lysiak publishers, 2011. – 624 c. – P. 227-239
- Investment Arbitration: from Bold Ideas to Revolutionary Practice to Uncertain Future | Alternatyvne vyrishennia sporiv: Scientific and practical law magazine / published by Pravo Ukrainy publishers. – Kyiv: Pravo Ukrainy, № 1, January 2013. – P. 43-55
- Legal Regulation of International Arbitration in Ukraine: Plans for the Next Five Years | Yurydychna Gazeta, №33-34 (375-376), 27 August 2013
- Ukrainian Tax Disputes in 2016: Faster, Higher, Stronger | Ukrainian Law Firms. – Yuridicheskaya Praktika publishers
- Legal Regulation of International Arbitration in Ukraine-2: Into the 'Roaring Twenties' | Yurydychna Gazeta, №51-52 (705-706), 24 December 2019
- Investment Arbitration à la Ukrainienne: Principal Questions | Yurydychna Gazeta, № 9 (715), 12 May 2020

## PROFESSIONAL ACTIVITIES

- Member of the Board of the Ukrainian Bar Association Committee on Procedural Law
- Member of the ICC Commission on Arbitration and ADR

## EDUCATION

- LL.M., International and Comparative Dispute Resolution, Queen Mary University of London, 2007
- Degree in law, Yaroslav the Wise National Law Academy of Ukraine, 2003

## LANGUAGES

English | French | Ukrainian | Russian