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## **Ilya Rachkov, Ph.D.**

irachkov@kslaw.com  
+7 495 22 88 5 00



**Dr. Ilya Rachkov, LL.M.** (Frankfurt on Main, 1997) is a partner in King & Spalding’s practices “Litigation & Arbitration” and “International Trade”. Since his graduation in 1996, Dr. Rachkov has acquired substantial experience in representing foreign and Russian companies before state courts in and outside Russia and in international arbitrations, particularly in such sectors as pharmaceuticals, machine-building, automotive, media, and provision of professional service.

Dr. Rachkov’s recent experience in litigation and arbitration includes:

- acting as a Russian law expert in *MONCRIEF OIL INTERNATIONAL, INC. v. OAO GAZPROM; GAZPROM MARKETING & TRADING USA, INC.; PACE GLOBAL ENERGY SERVICES, LLC; OOO GAZPROM EXPORT, f/k/a OOO GAZEXPORT; and C.C. PACE RESOURCES, INC.*. The claim was brought to the US District Court for the Northern District of Texas, Fort Worth Division. This is already the 3<sup>rd</sup> (unsuccessful) attempt of Moncrief Oil to get a compensation from Gazprom for the alleged non-performance of (allegedly) legally binding contracts between ZapSibGazprom and Moncrief Oil dated 1997 – 1999.
- Representing Commerzbank AG, Erste Group Bank AG, and HSH Nordbank AG in Amurmetall’s a high-profile bankruptcy case in Russia; Amurmetall is the largest (capacity: up to 2 million mt per year) Russian steelmaker in the Far East.
- Acting as a counsel to the claimants – Icelandic fisheries (Iceland Pelagic ehf and Iceland Seafood ehf.) in disputes against ZAO Atlant-Pacific (Russia’s No. 2 wholesale trader in frozen fish), followed by its bankruptcy;
- Representing gmp International GmbH, a German architect company, as a defendant in connection with alleged non-performance or improper performance of contracts with OOO PIUS Arena aimed at design works for three stadiums in Russia for the coming Football World Championship in Russia in 2018;
- Acting for Green Design Society OOO (a Russian architect firm controlled by UK citizens) against Clinic of New Medical Technologies (a company of Millhouse group of companies) in connection with alleged non-performance of the contract for performance of design works destined for a cardiologic center in Moscow;
- Acting for a Cyprus company in a high-profile arbitration before the LCIA in connection with a loan contract for construction of skyscrapers in Moscow City;

- Preparing, on behalf of Lewis Baach (a US law firm), a legal opinion on Russian family law for the US District Court (Southern District of New York) in connection with the divorce of Shalva Chigirinsky and his wife Tatiana Panchenkova;
- Preparing, on behalf of Setterwalls (a Swedish law firm acting for Badprim), an expert opinion on Russian law for the Svea court of Appeal (Stockholm, Sweden) in connection with the application of the Government of the Russian Federation and the Federal Customs Service of Russia (FCS) to set aside an arbitral award rendered by the Arbitration Institute of the Stockholm Chamber of Commerce in favor of I.M. Badprim LLC (Moldova); the main issue was whether the Government of the Russian Federation is a proper co-defendant, along with the FCS, despite the fact that the Government did not subscribe to the arbitration clause.
- Preparing, on behalf of other international law firms (Dechert and Paul Hastings) expert opinions on Russian law for 2 high-profile litigations for the High Court of Justice (London), Commercial Division, on disputes between wealthy Russian individuals.
- Preparing an expert opinion on Russian law (arbitrability of corporate disputes under Russian law) for the Appeal Court of Amsterdam (Maximov v. Novolipetsk Steel).
- Representing Eurosport SAS (France) in a defamation dispute brought by Yuriy Krasnozhan against Mr. Rodolpho, Mr. Telingater (a Russian journalist) and Eurosport SAS as co-defendants before the Cheryomushki District Court of the city of Moscow and the appeal instance court.
- Acting for InVent OOO (a Russian contractor) against AT-Development (a Russian group of companies) in connection with latter's failure to pay for the works performed;
- Advising a Swedish group of companies on a potential investment arbitration against Russia
- Representing before Russian *arbitrazh* courts minority shareholders of Kirovsky Plant in connection with a corporate conflict with the majority shareholder.
- Representing Robot Food Technologies GmbH (Germany) in court proceedings in Russia against OOO AgroPromContract (failure of the purchaser to pay for the goods supplied).
- Representing SL Leasing OOO (a Russian subsidiary of Liebherr International) in a high-profile dispute on Russian leasing law with a successor in rights of a former lessee of construction cranes.
- Representing VA Intertrading Aktiengesellschaft (Austria) before Russian state courts in connection with its disputes Russia-wide.
- Representing Weckerle Cosmetics OOO (a Russian subsidiary on Weckerle group of companies) against tax inspectorate in Russia (refusal to grant the permission to set off input VAT against output VAT) and against Pharmacy Chain 36.6 (largest Russian pharmacy chain) in connection with its failure to pay for the goods supplied.

In terms of trade disputes:

- in 2011 - 2013 Dr Rachkov has represented two major German manufacturers of light commercial vehicles in an antidumping investigation initiated in Russia in autumn 2011 and transferred to the

Customs Union of Russia, Belarus and Kazakhstan in May 2012 (in 2014, this case became an inter-state dispute brought against Russia by the EU before the Dispute Settlement Body of the WTO);

- in 2012 – 2013, he advised producers of harvesters in a special safeguard investigation that started at the Customs Union level in summer 2012.
- In 2013 – 2014, Ilya Rachkov was advising Russian Association of Fertilizer Producers in connection with the first dispute brought by Russia against the EU before the Dispute Settlement Body of the WTO.

Dr. Rachkov teaches international economic law at the international law faculty of Moscow State Institute of International Relations (University) of the Ministry of Foreign Affairs of the Russian Federation (MGIMO).

### **Practice Areas**

- Litigation & Arbitration

### **International Trade Publications**

- Dr. Rachkov writes and lectures frequently on international arbitration and competition law. He is the author of Russian chapters in editions *Vertical Agreements* (2012) and *Cartel Regulation* (2012) of *Getting the Deal Through* series (Law Business Research Ltd.). Other publications (selection):
  - Environmental Law As an Instrument of Creeping Expropriation: Compensatory and Non-Compensatory Takings (in Russian) // *Relations Between Foreign Investment Law and Environmental Law: a Collection of Articles*. Ed. by Azer Aliyev & others. Moscow. Norma. 2012. p. 115 - 147.
  - The Public Competition Enforcement Review. 3<sup>rd</sup> edition. Ed. by Shaun Goodman. *Law Business Research*. London. 2011. Chapter 32: Russia. p. 381 - 393.
  - The Mergers & Acquisitions Review. 5<sup>th</sup> edition. Ed. by Simon Robinson. *Law Business Research*. London. 2011. Chapter 48: Russia. p. 490 - 497.
  - A Recent Award of the Arbitration Institute of the Stockholm Chamber of Commerce: Case RosInvestCo UK Ltd. V. Russia (in Russian) // *Corporate lawyer*. No. 3 / 2011, p. 53 - 58;
  - Procedure of Getting State Aid at the Expense of the Investment Fund of the Russian Federation (in Russian) // *Corporate lawyer*. No. 4 / 2008, p. 5 - 9;
  - Blind-spots in the Federal Law On Concession Agreements (in Russian) // *Zakon*, No. 4 / 2007, p. 141 - 145;
  - Liability of States for Acts of International Organisations (in Russian) // “Forging a Common Legal Destiny”. Liber amicorum in honour of William E. Butler. Ed. by Natalia Erpyleva & others. London. Wildy, Simmonds & Hill Publishers. 2005. p. 665 - 685;

### **Memberships**

- Association of Independent Directors
- Russian-German Chamber of Commerce, Legal Committee

### **Awards & Recognition**

- *Chambers Europe ; Who's Who Legal*

### **Court Admissions**

- Russia
- Germany

### **Education**

- 1989 - 1991: International Business School at Moscow State Institute of International Relations (MGIMO), business administration course;
- 1991 - 1996: Law faculty, Moscow State University named after M.V. Lomonosov;
- 1995: exchange student studies at the law faculty of Regensburg university (Germany)
- 1996: exchange student studies at the law faculty of the Catholic university of Nijmegen (The Netherlands)
- 1994 - 1996: studies at Collège Français Universitaire, mention droit.
- 1995, 1997: Summer courses of The Hague Academy of International Law (international private law; international public law);
- 1996 - 1997: Law Faculty, Johann Wolfgang Goethe University, Frankfurt on Main (LL.M. studies)
- 1997 - 1999: Institute of State & Law of the Russian Academy of Sciences, Public International Law centre (headed by Prof. Igor I. Lukashuk), post-graduate (doctoral) studies
- 1998, 1999, 2002: comparative law studies at International Faculty of Comparative Law (Strasbourg. Graz, Strasbourg)
- 2001: International Law Seminar organized by the International Law Commission in Geneva UN headquarters
- July - August 2008: 2008 Lex Mundi Institute, Cross-Border Transactions Program (Monterey, California, USA)

### **Languages**

- Russian (native)
- English
- German
- French
- Polish