

PERSONAL INFORMATION

Svitlana Teush

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Nationality: Ukrainian

POSITION

Mediator, a member of the Panel of Mediators of the Energy Community Dispute and Negotiation Centre

SUMMARY OF KEY QUALIFICATIONS

- PhD (Law); Master's Degree (International Law)
- Certificate of Completion with excellence from the Florence School of Regulation for the courses "Regulation of the Power Markets" and "Trans-European Energy Networks Regulation"
- Extensive advisory practice and legal management of projects (including cross-border cross-sectional projects) in the fields of energy (both conventional energy and renewables) and infrastructure, construction and development, experience with privatisation, property and contract matters, corporate governance as well as the matters related to a market access, competition, public procurement, investment security and protection, claim management and dispute resolution
- Complex multilateral negotiations of contracts and cross-border transactions, claim management / dispute resolution procedures (including based on the international forms of contract and claim management procedures developed by the International Federation of Consulting Engineers, FIDIC)
- Experience with the management of international non-governmental organisations and interactions with public and private stakeholders, when serving as Vice-Chairman of the European-Ukrainian Energy Agency
- Due diligence, risk assessment and management, development of legal solutions
- Trainings on the cost benefit analysis (CBA), as applied to energy and infrastructure projects
- Experience in comparative research and legal review, drafting contracts and legislative proposals
- Participation in the public lectures and seminars of the Ukrainian Mediation Centre at the Kyiv Mohyla Business School, completion of the courses on negotiation and conflict management at the Core Business School
- Regular contributions to the annual surveys "Getting the Deal Through" published by Law Business Research and "Doing Business in Ukraine" published by the World Bank

PROFESSIONAL AND WORKING EXPERIENCE

2016 - UNTIL NOW

Of Counsel

Redcliffe Partners law firm (previously - Clifford Chance Ukraine)

- Legal support and management of projects in the fields of conventional and renewable energy, infrastructure, real estate and construction, corporate / merger and acquisition transactions, privatisations
- representation of clients in complex cross-border transactions and during negotiations
- due diligence; risk assessment and management
- legal advice and development of legal solutions on a broad range of property, engineering, construction, energy and infrastructure issues
- investment protection and security instruments; claim management

2015 – 2016

Vice-Chairman of the Board

European-Ukrainian Energy Agency

- Participation in management and decision-making processes relevant for the organisation's activities
- legal review and due diligence of the organisation's documents and activities
- preparation for, and participation in conferences and other public events
- negotiation, communication and information exchanges with multiple public and private stakeholders, development of professional contacts' network
- review of, and comments to, draft pieces of legislation and position papers

- 2004 – 2016 Senior Associate at Baker & McKenzie, Arzinger law office; Legal Expert at WTS Consulting
- 2000 – 2003 Teaching and assistant practice for the department of the international private and customs law
Institute of International Relations, Kyiv National T. Shevchenko University
- 1997 - 1998 Analyst and translator
National Space Agency of Ukraine, International Project "Sea Launch"

EDUCATION
TRAINING
COURSES

- 2000 - 2003 PhD in Law
- 1995 - 2000 Master's Degree in International Law (cum laude)
Master's Degree in Translation of English
Institute of International Relations, Kyiv National Taras Shevchenko University
- 2016 - 2017 Certificate of Completion of the Florence School of Regulation (with excellence)
Regulation of the Power Markets Course
Trans-European Energy Networks Regulation Course

Energy market structure and models of regulation; natural monopolies, unbundling of transmission and distribution system operation activities; cost-of-service vs. incentive-based regulatory models, cost and quality of service regulation; regulation of generation, transmission, system operation, distribution, wholesale and retail market operations, unbundling of network (transmission, distribution) activities; incentives for transmission system operators; cost-benefit analysis; Projects of Common Interest (PCIs) and Projects of Energy Community Interest (PECIs); criteria and methods for priority project selection under Regulation (EU) No. 347/2013 on the Guidelines for Trans-European Energy Infrastructure; cost allocation principles in cross-border energy infrastructure projects; security of supply; integration of renewables into the energy market; a feed-in tariff and other support schemes for renewables; regulation of regional energy markets, etc.
- 2016 Participation in public lectures and seminars on mediation and dispute resolution at the Ukrainian Mediation Centre, at the Kyiv Mohyla Business School
- 2016 Completion of the Summer School of Konrad Adenauer Stiftung "Economic Aspects of Climate Change"
- 2016 Completion of the Course on Economics at the Free Economic and Business School
- 2013 – 2014 Completion of the courses with the Core Business School on negotiation, persuasion techniques and conflict management with Professor of the Moscow Higher School of Economics, Mr. V. Kozlov.

OTHER LANGUAGES

	UNDERSTANDING		SPEAKING		WRITING
	LISTENING	READING	SPOKEN INTERACTION	SPOKEN PRODUCTION	
English	C2	C2	C2	C2	C2
German	B1	B1	A1	A1	A2
Italian	A1	A1	A1	A1	A1

C1/C2 - Proficient user; B1/B2 - Independent user; A1/A2 - Basic user. Common European Framework of Reference for Languages

**SELECTED
REPRESENTATIVE
PROJECTS**

- Representation of an American developer, operator and owner of electric power businesses in connection with a commercial engineering and construction international dispute under the Rules of the International Commercial Arbitration Court under a turn-key contract and the related bank guarantee instruments, participation in the hearings and proceedings, preparation of claims and other submissions; support throughout all stages of obtaining licenses for electricity and heat production, negotiation on client's behalf with the regulator and ensuring compliance and acceptance of the submission with due regard to the engineering component; advice in connection with capacity extension and reconstruction of facilities
- Legal support in connection with the restructuring of a solar plant project: advice on the debt service and debt restructuring issues, investment projection, advice on the claim management and dispute resolution issues, including under the bilateral investment protection treaties (BIT) as well as multilateral instruments (i.e., ICSID Convention, the Energy Charter), property and contract issues, development of litigation and arbitration strategies
- Representation of a Swiss energy trading company connection with the contemplated lending to a manufacturing enterprise: drafting and negotiation of transactional documents; due diligence; sanctions and compliance check, advice on the corporate, antitrust and property matters
- Advice in relation to the implementation of the infrastructural project (the tunnel), part of the pan-European transport corridor in Western Ukraine funded by the European Bank for Reconstruction and Development and the European Investment Bank under the FIDIC Yellow Book (Conditions of Contract for Plant & Design-Build)
- Representation of the European investor in connection with the contemplated acquisition of the oil- and gas - extracting businesses in Ukraine: due diligence, drafting and negotiating transactional documentation
- Advice on the legal structuring of a production enhancement agreement (based on the risk-sharing contractor agreement) for the local oil and gas producer and development of the term sheet and on structuring cooperation with prospective partners
- Advising a Spanish energy company in connection with a contemplated participation in the Nuclear Power Plant Safety Upgrade Program in Ukraine
- Advice on the legal structuring of a production enhancement agreement (based on the risk-sharing contractor agreement) for the local oil and gas producer and development of the term sheet and on structuring cooperation with prospective partners
- Legal support of a renewable industry investor in connection with the acquisition of a number of solar parks across Ukraine, including due diligence, risk identification and assessment, development of risk mitigation and management strategies, advising on various regulatory aspects of land, construction and other property and energy matters (including reconstruction, grid connection, feed-in tariff, capacity increase, warranty assignment etc.), drafting contracts and transactional documents, advice on the involved antitrust aspects
- Advice of a global grain trading company in relation to the privatisation, lease and infrastructure matters; due diligence
- Advice in connection with a contemplated partnership structure between the developer, the finance company and the municipal authorities regarding the ownership and operation of the reconstructed and additionally mounted boiler equipment and conversion of the facility from natural gas to wood biomass
- Representation of the European bank with respect to restructuring a loan and the takeover of the project involving a large property complex under development
- Support of a Scandinavian group in connection with the development of a Waste-to-Energy project; due diligence; advice on the feed-in tariff, municipal guaranties, energy supplies; legal structuring; contract work
- Legal support of the developer in connection with the Kyiv-Odesa road construction project under the FIDIC Red Book (Conditions of Contract for Construction) funded by European Bank of Construction and Development and the European Investment Bank, advice on time extensions and cost adjustment issues, liability and claim management procedures, bank guarantees, public procurement issues and the allowed contract amendments without the need for re-tendering

- Legal support of an international non-governmental organisation throughout the construction of a large property complex based on the international forms of contract for engineering and construction, consultancy and property management, field and technical supervision, negotiations an representation of the client vis-à-vis the general contractor and other counter-parties as well as public authorities, support and oversight in connection with the implementation, advice on property, construction, engineering and other regulatory matters
- Advising in connection with an engineering-procurement-construction (EPC) contract, an operation and management (O&M) contract, including on the scope and enforceability, the handover procedure, the validity, scope and assignment warranties on the plant and equipment
- Advice to a foreign producer and supplier of a photovoltaic equipment in connection with the contemplated entry to the local market, legal advice on various legal issues related to the import of technology and equipment as well as EPC activities: tax and custom requirements, warranties, conformity markings and product labelling issues
- Representation of an international construction materials' hypermarket network in connection with the implementation of a development, expansion and investment project: drafting and negotiation of the investment agreement and bank guarantee instruments, negotiations and representation of the client vis-a-vis the developer, co-investors and other project participants, advising on land, property and infrastructure issues, property management and maintenance issues, joint venture and related corporate issues
- Legal support of an international company engaged in the conversion of harmful methane emissions from coal mines, landfills and biogas sites into clean energy: due diligence of corporate matters, material contracts (for gas supplies, a sale-purchase of plant and equipment for a cogeneration unit, loan and guarantee), due diligence and property title check
- Advice and a legal structuring of engineering and property management issues in a mixed-use property development and construction project
- Representation of a large international bank in connection with the refinancing of acquisition of a commercial property: due diligence of the borrower and of the surety, structuring the transaction and the supporting security instruments, advice on joint venture and co-lease, property management, allocation of property shares in-kind.

PRESENTATIONS
SPEAKERSHIP
PUBLICATIONS¹

- Speaker at the press-conference “Renewable Energy Sources in Ukraine: Bioenergy:” with the Report on the subject “Biomass: Trends and Challenges in the Context of Legislative Developments in Ukraine”, during EU Sustainable Energy Week, June 2015
- Speaker at the Regional Infrastructure Conference on the subject "FIDIC Conditions of Contract in the Context of Harmonisation of Public Procurement System in Ukraine with EU Standards", Krakow, March 2016 - reporting on public procurement issues in construction energy and infrastructure projects under the Ukrainian public procurement laws, in comparison to EU public procurement directives
- Speaker at the Forum on Engineering and Construction “Economy of Life Cycle of Buildings” organized by Commercial Property publishing house, with a report “Legal Aspects of Participation of the Engineer in Construction Projects: International Approaches” – Kyiv, December 2015
- Certification of Energy Performance of Buildings (in Russian), Yurpraktyka, March 2013
- Speaker and organizer of a dedicated conference "Making a success out of a construction project: international FIDIC standards and their implementation in Ukraine", February 2013, Kyiv
- Real Estate and Construction Guide to Ukraine, 3d Edition, March 2014
- Competition in the Retail Segment Triggers an Increased Demand for Legal Services, Building.ua, December 2013
- Retail Activities: Overhaul for 2012–2013 years. Types of Deals Generated by the Industry, December 2013
- Why is it Worth Properly Applying Contractual Instruments (in Russian), TopStroy, December 2011
- Contractor’s Warranties and Liability in Ukrainian Construction Law, Construction Law International, December 2013, etc.

¹ Including in co-authorship.