

LEONID SHMATENKO

Associate
Rechtsanwalt



Bar admission : Germany, 2016, Geneva (Foreign Attorney), 2018
Nationality : German
Languages : German, Russian, English, French, Spanish, Ukrainian

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AREAS OF EXPERTISE

- > Arbitration
- > Investment & BITs
- > Commercial Contracts
- > International Sales
- > Public International Law

INDUSTRY SECTORS

- > Automotive & Heavy Industry
- > Energy
- > Gas & Oil
- > Infrastructure
- > Commodities trading
- > Joint Ventures
- > M&A
- > Intellectual Property
- > Life Sciences
- > Telecommunications
- > Transportation

PROFESSIONAL PRACTICE

Leonid Shmatenko specializes in international commercial and investment arbitration. He has been involved as counsel and secretary in over 30 international arbitration proceedings conducted in German, English and French encompassing a variety of sectors, such as energy –including oil, gas and renewables, telecommunication services and infrastructure.

Leonid studied law at Heinrich-Heine-University of Düsseldorf from 2006 to 2011. He passed his First State examination (Dipl. iur.) in Düsseldorf in 2011 and his Second State examination in 2015. He finished his doctoral thesis and awaits receiving his doctorate from Heinrich-Heine-University of Düsseldorf. He currently gives a seminar on investment arbitration at the National Law University "Yaroslav Mudryi". Prior to joining the firm, he worked with international arbitration practices of leading international law firms in Geneva, Munich, Paris, Düsseldorf and Sydney. Leonid is admitted to practice in Germany (2016) and is a registered foreign lawyer with the Geneva Bar (2018).

CAREER

- > Associate, Peter & Kim, Geneva (2020)
- > Associate, Peter & Partners, Geneva (2019-2020)
- > Associate, LALIVE, Geneva (2017-2019)
- > Associate, Kantenwein Zimmermann Fox Kröck & Partner, Munich (2016-2017)
- > Foreign Lawyer, Orrick Herrington Sutcliffe LLP, Paris (2015)
- > Law Clerk, Derains & Gharavi, Paris (2015)
- > Law Clerk, Ministry of Foreign Affairs of Germany, Lima (2014)
- > Law Clerk and Research Associate, Freshfields Bruckhaus Deringer LLP, Düsseldorf (2013-2015)
- > Intern, Freshfields Bruckhaus Deringer LLP, Paris (2012)
- > Intern, Clayton Utz, Sydney (2011)
- > Intern, Orrick Herrington Sutcliffe LLP, Düsseldorf (2008)

EDUCATION

- > Second State Examination, Appellate Court of Düsseldorf, Germany (2013-2015)
- > PhD, Heinrich-Heine-University Düsseldorf, Germany (2012-today)
- > First State Examination, Heinrich-Heine-University Düsseldorf, Germany (2006-2011)

PROFESSIONAL ASSOCIATIONS

- > Deutsche Institution für Schiedsgerichtsbarkeit e.V. (DIS)
- > Deutsche Initiative Junger Schiedsrichter (DIS-40)
- > Young ICCA
- > Russian Arbitration Association 40 (RAA40)
- > Russia-CIS Arbitration Network
- > Ukrainian Arbitration Association (UAA)
- > Ukrainian Bar Association (UBA)
- > Young International Arbitration Group (YIAG)
- > Groupe ASA des Jeunes Praticiens de l'Arbitrage (ASA Below 40)
- > ICC Young Arbitrators Forum (ICC YAF)
- > The Young Austrian Arbitration Practitioners (YAAP)
- > Düsseldorf Moot Association e.V. (DMA)

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REPRESENTATIVE CASES

- > Represented a Turkish State-owned gas company in a Stockholm-seated ad hoc arbitration against a State-owned gas company in a gas-pricing dispute
- > Represented a CIS businessman against a CIS State in an investor-State arbitration (UNCITRAL) arising out of the alleged takeover and seizure of a chocolate factory.
- > Represented an Eastern European State against an Eastern European investor in an ICSID investor-State arbitration in a dispute arising out of the Government's alleged misconduct concerning the tender process for a steel plant, and subsequent actions that allegedly rendered the plant unprofitable and caused its insolvency.
- > Represented a German publishing house against a German newspaper publisher in a post M&A arbitration under the DIS Rules.
- > Represented a Ukrainian gas trader against a Hungarian gas trader in a commercial arbitration concerning gas trading under the ICC-Rules, Zurich seat, and Swiss law applicable.
- > Acted as secretary to the Tribunal in an ICC-Case, Frankfurt seat, in a dispute between two German automotive suppliers arising out of a Supply Framework Agreement.
- > Acted as secretary to the Tribunal in an ICC-Case, Munich seat, in a dispute between two water meter manufacturers arising out of a Framework Agreement.
- > Represented a Western African state in an ICSID investor-State arbitration in a dispute arising out of a termination of a Concession Agreement for a container terminal of a port, its expansion and the development of a railway station.

PUBLICATIONS

- > Leonid Shmatenko, Konstantin Christie, Mino Han, LNG Contract Adjustments in Difficult Times: The Interplay between Force Majeure, Change of Circumstances, Hardship, and Price Review Clauses, in: OGEL Special Issue on "Changing LNG Markets and Contracts", 2020.
- > Leonid Shmatenko, Stefan Möllenkamp, Blockchain und Kryptowährungen, in: Hoeren / Sieber / Holzner (Hrsg.), Handbuch Multimedia-Recht, 2019.
- > Leonid Shmatenko, David K. Shaverdov, Gesunde Regulierung? - Lebensmittel und Alkohol im Einheitskleid - Zur Vereinbarkeit von verpackungsbezogenen Maßnahmen für ungesunde Lebensmittel und Alkohol mit Art 17 Abs 2 Charta der Grundrechte der Europäischen Union, in Zeitschrift für Europarecht, Internationales Privatrecht und Rechtsvergleichung (ZfRV), Heft 6, 2018, pp.244-258
- > Leonid Shmatenko, Zur einseitigen Aufhebung einer Schiedsklausel in der Ukraine, in : Wirtschaft und Recht in Osteuropa (WiRO) Issue 8, 2018, pp. 235-240
- > Leonid Shmatenko, David K. Shaverdov, Packaging-Related Measures for Alcohol and Unhealthy Food and their Impact on Trademarks – The Perspective of Article 17(2) CFRE, in : Zeitschrift für das gesamte Lebensmittelrecht - ZLR (German Journal of Food Law), Heft (Issue) 3, 2018, pp. 315-335
- > Leonid Shmatenko, Die Schließung einer Betriebskrankenkasse sowie ihre Auswirkungen auf Schuldverhältnisse, in : Neue Zeitschrift für Sozialrecht (NZS), Issue 8, 2018, pp. 306-310
- > Leonid Shmatenko, Sergey Alekhin, Corruption in Investor-State Arbitration – It Takes Two to Tango, in : New Horizons of International Arbitration, A.V. Asoskov, A.I. Muranov, R.M. Khodykin (eds.), 2018, pp. 150-179

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- > Leonid Shmatenko, Dr. Svitlana Bezv, Arbitrability of Corporate Disputes in Ukraine, in : The Ukrainian Journal of Business Law, November 2017, pp. 32-34
- > Leonid Shmatenko, Dr. Svitlana Bezv, Die Schiedsfähigkeit gesellschaftsrechtlicher Streitigkeiten in der Ukraine, in : SchiedsVZ (German Arbitration Journal), No. 6, 2017, pp. 300 et seqq.
- > Leonid Shmatenko, Eric Bremer, Lea Bosch, “Smells like Teen Spirit“- Zur Geruchsbelästigung durch Parfumemissionen des Einzelhandels, in : Juristische Arbeitsblätter 2017, pp. 450 – 456
- > Leonid Shmatenko, Der rechtliche Status der cGMP und der FDA-Guidances im amerikanischen Verwaltungsrecht, in : Arzneimittel und Recht, 2016, pp. 71 -76
- > Leonid Shmatenko, Tobacco Control in Europe: The Potential for Plain Packaging, In: Andrew Mitchell / Tania Voon / Cathrine Gascoigne (Eds.), International Legal Dimensions of Tobacco Control, Edward Elgar, 2014, pp. 187 – 208
- > Leonid Shmatenko, Einheitsverpackungen von Tabakerzeugnissen und die Charta der Grundrechte der EU, in : Zeitschrift für Europarecht, Internationales Privatrecht und Rechtsvergleichung (ZfRV) 2014, pp. 4 – 20
- > Leonid Shmatenko, “Wer wird denn da gleich in die Luft gehen?“ - Das neue Tabakgesetz der russischen Föderation, in : Wirtschaft und Recht Osteuropas (WiRO) 2013, pp. 321 - 327 (part 1) and pp. 367 - 373 (part 2)
- > Leonid Shmatenko, Oberstes Spezialisiertes Gericht für Zivil- und Strafsachen der Ukraine – Urteil vom 10 Oktober 2012 – Die Auslegung des anerkennungsrechtlichen ordre public in der Ukraine, Praxis des internationalen Privat- und Verfahrensrechts (IPRax) 2013, pp. 449 - 450 and 473 – 474
- > Leonid Shmatenko, An Overview of Kazakhstan’s Investment Laws and its Investor-state Arbitral Awards, in : XXX/4 International Law Quarterly (ILQ) 25 - 33 (2013)
- > Leonid Shmatenko, Shpetim Bajrami, Schiedsverfahrensrecht der Republik Kosovo, in : Zeitschrift für Europarecht, Internationales Privatrecht und Rechtsvergleichung (ZfRV) 2013, pp. 132 - 141
- > Leonid Shmatenko, Die bilateralen Investitionsschutzabkommen Russlands, in : Eastlex 2013, pp. 100 - 104
- > Leonid Shmatenko, Regulatory Measures through Plain Packaging of Tobacco Products in the Light of International Trade Agreements, in: Alexander J. Belohlávek / Nadežda Rozehnalova (Eds.), Czech Yearbook of International Law, Vol. IV, 2013, Juris Publishing, Inc., 2013, pp. 27 – 48
- > Leonid Shmatenko, Is lex mercatoria jeopardizing the Application of Substantive Law in International Arbitration?, in: Alexander J. Belohlávek / Nadežda Rozehnalova (Eds.), Czech (& Central European) Yearbook of Arbitration, Volume III, 2013, Juris Publishing, Inc., 2013, pp. 89 - 108
- > Leonid Shmatenko, Oberstes Wirtschaftsgericht der Russischen Föderation – Urteil vom 19 Juni 2012 – Gültigkeit von einseitigen optionalen Schiedsklauseln, in : Wirtschaft und Recht Osteuropas (WiRO) 2013, pp. 60 - 62
- > Leonid Shmatenko, Verfassungsmäßigkeit von Einheitsverpackungen bei Zigaretten, in : Juristische Ausbildung (JURA) 2013, pp. 74 – 81

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- > Leonid Shmatenko, Peter K. Henning, Plain Packaging on its way to Europe – Competence Issues and Compatibility with European Fundamental Rights, in : TDM 5 (2012), www.transnational-dispute-management.com
- > Leonid Shmatenko, Verfassungsgericht der Russischen Föderation – Urteil vom 2 November 2011 – Zur Vollstreckungsfrist bei ausländischen Schiedssprüchen, in : Eastlex 2012, pp. 194 – 196
- > Leonid Shmatenko, Die Reform des ukrainischen öffentlichen Baurechts, in : Eastlex 2012, pp. 107 – 110
- > Leonid Shmatenko, Martin M. Blüm, Oberstes Gericht der Republik Polen – Urteil vom 13 Juli 2011 – Erstreckung von Schiedsvereinbarungen auf Dritte, in : Wirtschaft und Recht Osteuropas (WiRO) 2012, pp. 124 – 126
- > Leonid Shmatenko, Die Voraussetzungen für den Abschluss eines Internationalen (Kauf-)Vertrages in der Ukraine, in : Wirtschaft und Recht Osteuropas (WiRO) 2012, pp. 108 - 113
- > Leonid Shmatenko, Verfassungsgericht der Republik Belarus – Urteil vom 7 Juli 2011 – Verfassungsmäßigkeit des Gesetzes „Über die Schiedsgerichte“, in : Osteuropa Recht (OER) 2/2012, pp. 80 - 83
- > Leonid Shmatenko, “Piercing the Corporate Veil“ is relative, in : 4 Young Arbitration Review 25 - 29 (2012)
- > Leonid Shmatenko, Martin M. Blüm, Die Arbeitsgerichtsbarkeit in der Ukraine, in : Osteuropa Recht (OER) 2011, pp. 397 - 402
- > Leonid Shmatenko, Verfassungsgericht der Russischen Föderation – Urteil vom 26 Mai 2011 – Verfassungsgericht stärkt Kompetenz der Schiedsgerichte, in : Osteuropa Recht (OER) 2011, pp. 335 - 338
- > Leonid Shmatenko, Martin M. Blüm, Das ukrainische Individualarbeitsrecht, in : Osteuropa Recht (OER) 2011, pp. 188 – 198

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