

LAW, TAX & INTELLIGENCE for ENTREPRENEURS



Speakers



Jacques GerberFederal Council
Delegate for Ukraine



Liliana de Sá Kirchknopf Switzerland's Executive Director, EBRD in London



Christian Michel
Manager International
Finance Institutions,
Swiss Global Enterprise



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Sven Henniger Co-Director, Swiss -Ukrainian Reconstruction Agency (SURA)



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Swiss Global Enterprise



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LINDEMANNLAW AG



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LINDEMANNLAW AG

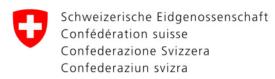


Workshop Agenda

- √ Welcome by Dr. Alexander Lindemann
- ✓ Switzerland's support to Ukraine and its reconstruction Jacques Gerber, Federal Council Delegate for Ukraine
- ✓ Introductory Presentation by EBRD & S-GE
 Liliana de Sá Kirchknopf, Switzerland's Executive Director at EBRD, in London
 Christian Michel, Manager International Finance Institutions, S-GE
- ✓ Ukraine Projects & Activities of Swiss-Ukrainian Reconstruction Agency Dorit Sallis, Board Member, SURA Sven Henniger, Co-Director, SURA
- ✓ Support for SECO Applications
 Dr. Jakob Schaad, Partner, LINDEMANNLAW AG
- ✓ Ukraine Activities of S-GE Xavier Cornut, Consultant Europe & CIS, S-GE
- ✓ Swiss and Ukrainian Tax Aspects of Investments by Swiss Companies in Ukraine Dominik Mazur, Partner & Tax Leader, LINDEMANNLAW AG
- ✓ Legal Structuring & EU Support
 Dr. Alexander Lindemann, Managing Partner, LINDEMANNLAW AG
- ✓ Live Q&A Session



Switzerland's support to Ukraine and its reconstruction



Jacques Gerber

Federal Council Delegate for Ukraine



Switzerland's support to Ukraine and its reconstruction

- CH engagement in Ukraine since 1990s
- Adaption and extension of projects since 2022

Long-term support

- > Strategic importance
- > CHF 5 billion over 12 years (2025–2036)
- > CHF 1.5 billion for the next four years (2025–2028)
- ➤ Incl. CHF 500 million for the systematic inclusion of the Swiss private sector



Lugano principles

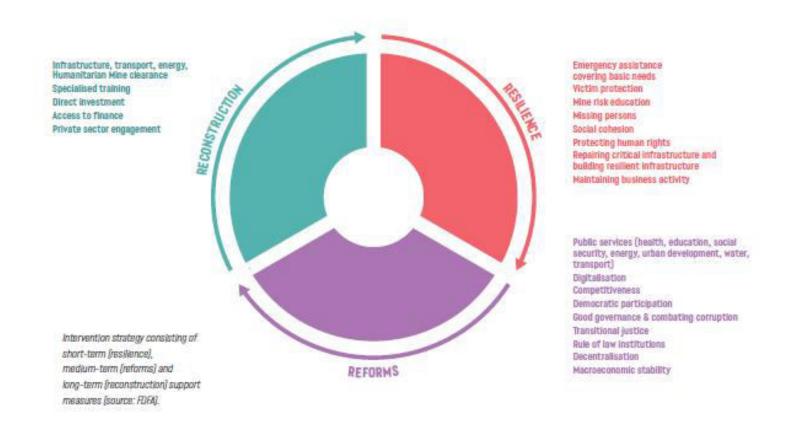


Parameters of the country programme

- ➤ Balanced bilateral and multilateral approach
- Private sector engagement;
- ➤ Use of different instruments(non-repayable contributions, loans, participations and guarantees)
- ➤ Clarity and accessability
- ➤ Exit strategy

Intervention strategy

Short- medium and long-term support



Strategic orientation



Economic recovery and reconstruction



Public Sector Services



Protection of civilians and peace

Instruments



Measures to promote peace and justice



Humanitarian aid



Development cooperation



Private sector measures

Private sector measures













Financing of project preparation financing in studies

Project specific sectors

Extension of the GIP mandate

Economic Forum

Strengthening SERV's riskbearing capacity

De-risking of private investments

M2: 1st Call for Proposals

- Transparent and competitive selection of projects
- 1st call open for Swiss companies with legal personality in Ukraine
- Total funding: CHF 100 mio, contributions to projects range between CHF 1 mio and CHF 15mio
- Applications closed on 31.03.2025, selection now ongoing





The EBRD in Ukraine



Liliana de Sá Kirchknopf

Switzerland's Executive Director at EBRD, in London



Liliana de Sa Kirchknopf, Executive Director

The EBRD in Ukraine



8 May 2025

The EBRD in Ukraine



The largest institutional investor in Ukraine

- Cumulative investments amounting to €22 billion across various industries of the Ukraine's economy
- A portfolio of around €6 billion

Deep knowledge of the market

- Active since 1992
- Strong relationship with the government and wide network of clients
- >100 of employees

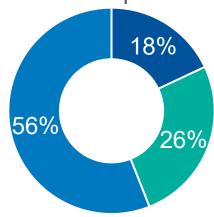
Strong commitment to support Ukraine

 The first Multilateral Development Bank to take Ukrainian risk on its own balance sheet during war time

Holistic approach combining investments with active policy engagement and technical assistance

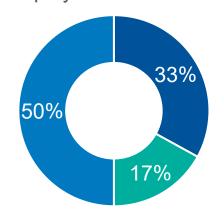
- Promotion of corporate governance, green transition, digitalization and necessary reforms for development of conducive business environment
- Strengthening public administration and facilitating reforms through the Ukraine Reforms Architecture program by supporting the work of 200 Ukrainian local staff embedded in the Government

Current EBRD portfolio



- Financial institutions
- Industry, commerce and agribusiness
- Sustainable infrastructure

Deployed Finance in 2024



The EBRD and the war on Ukraine



We confirm our unwavering support for Ukraine at this critical moment in its history

- We have deployed close to €7.0 billion since 2022 to help keep the country's businesses and economy functioning. In 2024 €2.4 billion of total financing was deployed for 61 projects with nearly €1.4 billion invested in 50 projects in the private sector alone and over 200 trade finance transactions
- > 82% of projects and 58% of the finance deployed were in the **private sector**.
- The EBRD Governors' approval of a general capital increase of €4 billion will enable the Bank to continue providing a sustained level of annual investment in Ukraine of around €1.5 billion during wartime, with up to €3 billion annually once reconstruction begins, while continuing its committed support to all other economies.

Key Areas of Focus



Trade Finance



Energy Security



Vital Infrastructure



Food Security



Private Sector Resilience

OFFICIAL USE

Key Priority Areas for 2025



Infrastructure

- Transport connectivity (railways, roads, ports, intermodal terminals, postal and logistics service)
- Support for municipal utilities (district heating, water and wastewater, solid waste, public transport, energy efficiency)

Financial Institutions

- Trade Facilitation Programme (TFP)
- Resilience and Livelihoods Guarantees (RLGs), including two new financing windows:
 - Veterans Reintegration
 - o Enterprise Renaissance
- Senior funded loans in local currency

Energy

- Distributed generation
- Energy storages
- Renewables and biofuels
- Dedicated financing for small-scale energy generation through Partner Financial Institutions
- Transmission (emergency repairs, network development including interconnectors with ENTSO-E)

Industry, Commerce & Agribusiness (ICA)

- Food value chain, building materials and overall resilience of corporate sector
- Liquidity and capital expenditure including projects with green investment components
- Human capital recovery, resilience and veterans support programme

Procurement in EBRD Projects Ongoing / Forthcoming projects



- RFL Ukrnafta Emergency Distributed Generation Support
- UZ Energy
- Kyiv City Transport II: Metro
- RLF Lutsk District Heating Phase II
- RLF Mykolayiv Emergency Water
- RLF Hydro Power Plants Emergency Restoration
- Ukrainian Road Corridors
- Ukrposhta Logistics Development
- Kharkiv Metro Extension
- Dnipro Metro Construction Completion
 - * Please follow ECEPP (Search Opportunities | ECEPP) for published procurement notices

Contacts



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Cooperating with the EBRD as a Swiss Company in Ukraine



enabling new business

Christian Michel

Manager International Finance Institutions, S-GE







Team Switzerland Infrastructure

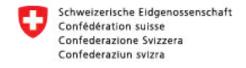
Team Switzerland Infrastructure





SWISSRAIL

suisse.ing



Swiss Confederation





Why International Finance Institutions?



- Finance large-scale projects worldwide
- Over \$100 billion annually of procurement opportunities (goods, services, consulting)
- In various sectors like infrastructure, cleantech, medtech, food & agriculture, ICT
- Reliable payments, secure and transparent processes, projects backed internationally, ESG standards















IFI Services We Offer



- **1. Information** on operations, tenders, procurement, and standards
- **2. Position** Swiss solutions, products and expertise as suppliers
- 3. Identification of relevant projects in mobility, energy, and water-sanitation.





How to do business with the EBRD?





Swiss business delegations in EBRD's Annual Meetings and Business Forum







• EBRD representatives in events in Switzerland (Next: Infrastructure Day on 26 May in Zurich)







Projects platforms and support in the procurement process

Where to find the projects?





Client e-Procurement Portal (ECEPP)

https://ecepp.ebrd.com/

Projects and Operations



https://projects.worldbank.org/en/projects-operations/projects-home

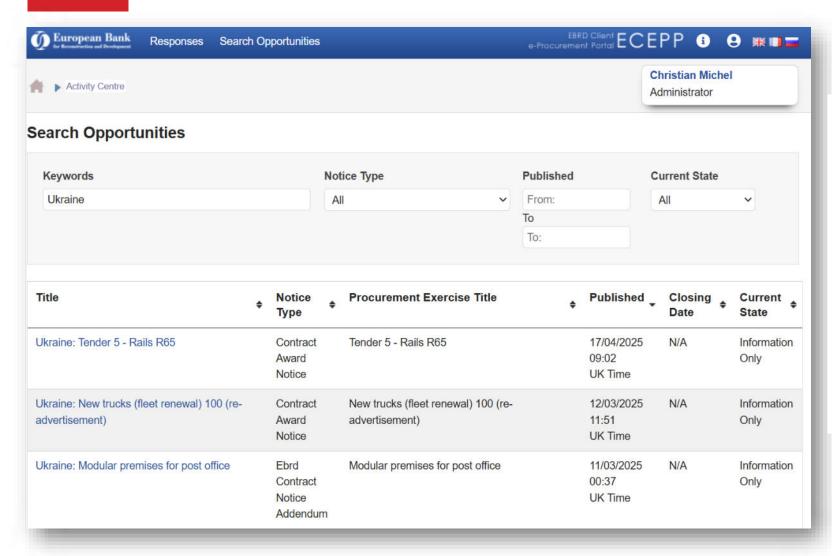
GoGlobal Cockpit



https://goglobal.s-ge.com/en/cockpit







Ukraine: Tender 5 - Rails R65

Project Name:	UZ Emergency Capex
EBRD Project ID:	54150
Country:	Ukraine
Client Name:	Ukrainian Railways PJSC
ECEPP ID:	34477509
Procurement Exercise Name:	Tender 5 - Rails R65
Type of Procurement:	Goods
Procurement Method:	Open Tender Single Stage
Business Sector:	Transport
Notice Type:	Ebrd Contract Award Notice
Publication Date:	17/04/2025 09:02

Sector Focus Energy security





Liquidity support and financing for emergency repairs and replacement of damaged infrastructure. Additional support for natural gas purchases.



Naftogaz

€500 million EBRD loans to secure energy supply during winter and beyond

€189 million in grants provided by Norway for gas purchases

€275 million in guarantees from the US, Norway, Germany, France, Canada and the Netherlands



Ukrenergo

€600 million EBRD loans for liquidity replenishment and emergency repairs to keep the country's power system stable

€157 million in grants from Norway (€75m), the Netherlands (€72m) and Italy (€10m)

€236 million in guarantees from the US, the United Kingdom, the EU and the EBRD SSF

Sector Focus Vital infrastructure





Repurposing existing loans, and providing emergency liquidity to utilities and municipalities.



Ukrainian Railways

A €350 million financing package for emergency capex and liquidity support to keep trains running

€175 million of guarantee support from the US, France, the Netherlands, the European Union (EU), and the EBRD Shareholder Special Fund (SSF)



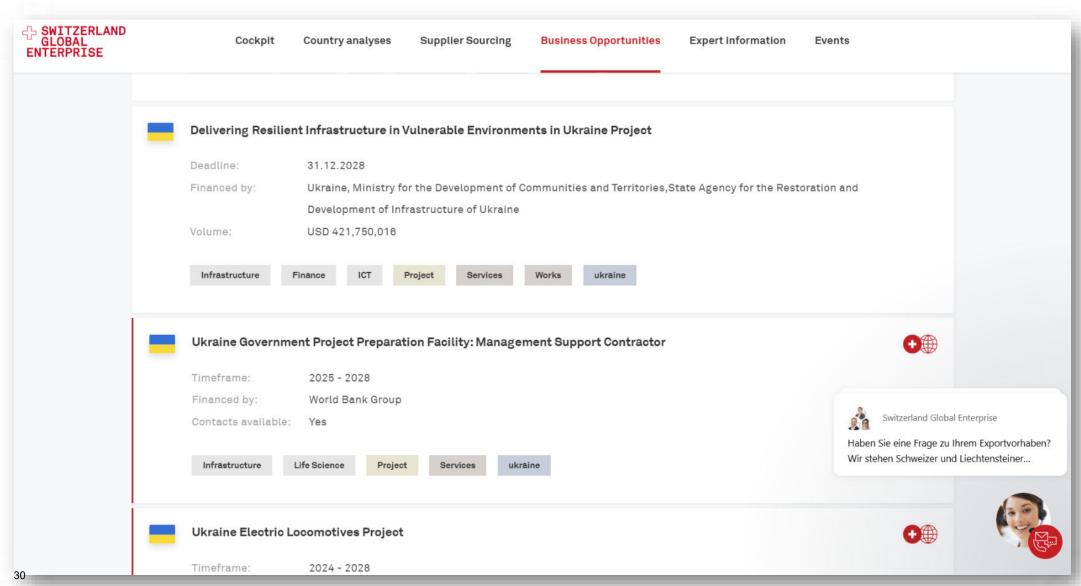
Support for municipalities

EBRD provided €40 million of emergency liquidity for the cities of Lviv and Dnipro, backed by guarantees funded by the US

€15 million for the Khmelnytskyi public transport operator in support of modernising the trolleybuses network, backed by a guarantee provided by the US and co-financing grants from the US and EU.

GoGlobal Cockpit





Swiss engineering consulting companies

The companies showcased in this presentation are for illustrative purposes only. This selection is not intended to be exhaustive and does not imply exclusivity.



































Consulting:

- Project planning
- Feasibility studies
- Works supervision
- Technical assistance
- Monitoring, audit and control of works
- Preparation of structural plans
- Rehabilitation works
- Implementation support

Specific knowledge:

- Environmental planning
- Buildings
- Railroad and road infrastructure
- Energy technology (hydropower and dams)
- Spatial development
- Underground works and tunneling
- Geotechnique
- Water & sanitation

If you wish more information, contact us!

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Switzerland Global Enterprise

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Team Switzerland

https://www.infrastructure-solutions.swiss



Ukraine Projects & Activities of Swiss- Ukrainian Reconstruction Agency (SURA)



Dorit Sallis

Board Member, SURA





Ukraine Projects & Activities of Swiss- Ukrainian Reconstruction Agency (SURA)



Sven Henniger

Co-Director, SURA





Enabling Swiss SME Involvement in Ukrainian Reconstruction www.sura-swiss.ch

What is SURA?

The Swiss-Ukrainian Reconstruction Agency SURA, is a joint project of two organizations:

- Joint Chamber of Commerce Switzerland-Eastern Europe, Central Asia, South Caucasus (JCC) www.jointchambers.ch
- Ukrainian Swiss Business Association (USBA) www.ukraine-swiss.ch

The leading bilateral, non-governmental organization in Switzerland that facilitates Swiss company involvement in Ukraine's reconstruction process in a transparent and effective way.



Why SURA?

The challenge for a Swiss SME

 Access to relevant information on reconstruction projects and the right partners and resources in Ukraine to implement a project successfully.

SURA addresses this challenge

- A single, unified Swiss-based platform to consolidate all Ukraine-related information and activities.
- Extensive network of contacts on federal and especially local level in Ukraine.
- Identify and evaluate potential Ukrainian projects for Swiss SMEs and MNCs.



SURA Services

- Unify

Create a single, unified information clearing house and coordination platform for all Swiss-Ukrainian B2B and B2G initiatives, events and projects related to Ukrainian reconstruction.

Promote

Promote post-war Ukraine reconstruction opportunities to Swiss companies and professional associations.

- Liaise

Liaise with local Ukrainian authorities to identify project needs and with Swiss companies who can provide goods and services.

- Guide

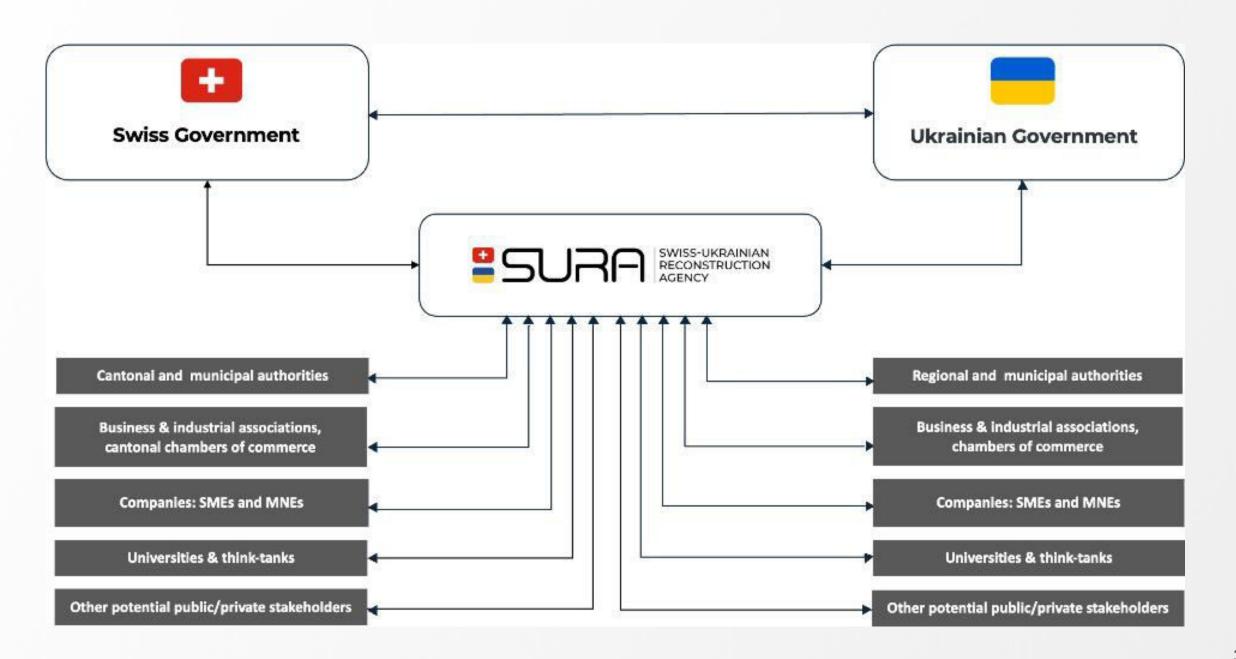
Connect Swiss companies to relevant projects and partners in Ukraine and guide them on implementation.

Evaluate

Assist Swiss companies and professional associations with project evaluation and counterparty due-diligence.

- Troubleshoot

Assist organizations and companies when obstacles arise.



SURA Structure

Operating Team: Representatives of JCC and USBA

Co-Directors



Sven Henniger

Board Member and Ukraine Chapter Chairman, Joint Chamber of Commerce Switzerland-Eastern Europe, Central Asia, South Caucasus (JCC)



Dmytro Sidenko

President, USBA

HQ: SURA is based at the JCC Office Kasernenstrasse 11, Zurich, Switzerland



Board



Taras Gorbul

Vice- President, Ukrainian-Swiss Business Association (USBA) Ukraine



Dorit Sallis

Managing Director, Joint Commerce Switzerland-Eastern Europe, Central Asia, South Caucasus (JCC)



Garry Honegger

Vice President, Ukrainian-Swiss Business Association (USBA) Switzerland



Jurie Moraru

Vice President, Joint Chamber of Commerce Switzerland-Eastern Europe, Central Asia, South Caucasus (JCC)

SURA Activities Sept 2024 to November 2025

September 4, 2024

SURA Webinar: "Update on Ukraine's Economy and Business Environment"

Hlib Vyshlinsky, Executive Director, Center for Economic Strategy Ukraine Lenna Koszarny, Founding Partner and CEO, Horizon Capital Ukraine

September 24, 2024

SURA Webinar

"Ukraine's Energy Sector: Current Status and Priority Projects"

Oleksiy Povolotskiy, Head of the Office for Energy Infrastructure Recovery, Supervisory Board Member, DTEK Group

Vitaliy Radchenko, Head of Energy & Climate Change, CMS Cameron McKenna Nabarro Olswang

October 8, 2024 SURA Webinar

"Ukraine's Procurement Process: An Introduction to Bidding on Projects in Ukraine"

Ario Dehghani, Counsel, Compliance & Investigations, Baker McKenzie Ukraine Volodymyr Stetsenko, Associate, Baker McKenzie Ukraine B.V.

November 26, 2024

SURA Webinar

"Funding and Guaranteeing Foreign Investments in Ukraine"

Olena Voloshina, Head of Operations, IFC Ukraine

Vira Tsymbalyuk, Senior Vice President, Project Finance & Infrastructure, SERV Swiss Export Risk Insurance

April 9, 2025

SURA Webinar: "Demining in Ukraine"

Hansjörg Eberle, Director, Crosstech SA Vitaliy Radchenko, Partner, CMS Ukraine

May 6, 2025

SURA Webinar: "Logistics in Ukraine"

Jeroen De Ryck, Industry & Energy, Ahlers Logistics Ario Dehghani, Counsel, Compliance & Investigations, Baker McKenzie Ukraine

June - November 2025

Cycle of Webinars on Infrastructure

June

Webinar 1: Urban Development and Construction

Webinar 2: Water Management

September

Webinar 1: Rail and Road

Webinar 2: Air and Maritime/River

October

Webinar 1: Energy Infrastructure

Webinar 2: Digital/ICT Infrastructure

November

Webinar: Healthcare and Health Infrastructure

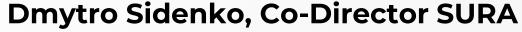


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Support for SECO Applications and Procedures

Dr. Jakob Schaad

Partner, LINDEMANNLAW AG





Current Calls for Proposals

- ✓ Ukraine-Swiss MoU: framework guiding collaboration between SECO and Ministry of Economy of Ukraine to identify reconstruction projects for implementation by Swiss companies with established operations in Ukraine.
- ✓ These projects target Ukraine's critical needs while supporting its strategic reconstruction priorities.
- ✓ Call for proposals for **Swiss companies already active in Ukraine** end of January 50 million, extended to 100 million mid-March.
- ✓ Individual financial contributions for selected projects range from CHF 1 million to CHF 15 million.
- ✓ Also plans for Swiss companies not currently operating in Ukraine. New legal framework necessary.
- ✓ To this effect fixed-term international Swiss-Ukraine treaty currently in preparation.
- ✓ 500 Mio currently available to enhance private sector engagement in Ukraine's reconstruction.



Application Process Current Call

First Call for Proposals for projects up to 100 million CHF for companies with presence in Ukraine

- ✓ **Stage 1**: submission of proposals for feasible projects by March 31, 2025 using specific Application Form Notification of selected project applicants for Stage 2 by email
- ✓ Stage 2: submission of detailed proposals for selection of projects out of phase 1. Through profile environment. Deadline May
 25, 2025
- ✓ Presentations of proposals by applicants, tentatively scheduled **between June 16 and June 27, 2025**.
- ✓ Option to resubmit slightly modified proposals for selected applicants following discussions during presentations: July 11,
 2025
- ✓ Final decision and publication of award decisions on https://www.secocooperation.admin.ch/en/call-for-proposals-for-projects-with-swiss-companiesin-ukraine until July / August 2025.
- ✓ Contract / Agreement with SECO. Draft template published by SECO.
- ✓ Finalization of projects: 4th quarter 2025-1st quarter 2026, latest by 2028



Conditions, Eligibility

- ✓ Formal completeness of the proposal
- ✓ Proof of being a Swiss company with presence in Ukraine
- ✓ **Proof of response to a specific need by Ukraine**: letter from a Ukrainian government authority/agency, dated within the last six months, provide two reference projects that directly addressed similar needs and challenges
- √ 10% own financial contribution
- ✓ Compliance with legal obligations
- ✓ Confirmation of financial solvency
- ✓ Confirmation of compliance with SECO's exclusion list





Conditions, Eligibility, cont.

- Acceptance that the project might be audited by SECO or the
 Swiss Federal Audit Office
- ✓ Acceptance of draft contract
- ✓ Compliance with the Swiss sanctions regime
- Conformity with Swiss export regulations on dual-use goods
- Confirmation of understanding of all eligibility criteria and acceptance of all eligibility criteria
- ✓ Support may only cover effective costs incurred for the project.

 No undue profit beyond its costs of the supported is allowed.
- Straightforward list of exclusions





Award Criteria – Weighting

1st Stage Criteria in Red

AC-No.	Award Criteria	Maximum Points
AC 1	Relevance	200
AC 2	Development impact	150
AC 3	Additionality	90
AC 4	Sustainability	100
AC 5	Environmental, Social and Governance (ESG) risks	80
AC 6	Technological Suitability	100
AC 7	Implementation capacity	100
AC 8	Budget	80
AC 9	Own contribution	100
Total Points		1000

The **Technical Evaluation Committee** is constituted of staff-level representatives from SECO Headquarters and the Swiss Embassy in Kyiv. It assesses proposals' adherence to eligibility criteria and will provide inputs on the assessment of award criteria to the Selection Committee.

The Selection Committee will be in charge of the assessment of the award criteria in Stage 1 and Stage 2, based on input from the technical evaluation committee. It is comprised of the Federal Council Delegate for Ukraine, representatives of SECO Headquarters, representatives from the Swiss Embassy in Kyiv and of the Ministry of Economy of Ukraine.



Award Criteria – Content 1

AC 1 Relevance (200)

✓ Alignment with the Ukrainian government's Strategic Investment Council's strategic priorities for reconstruction and recovery.

AC 2 Development impact (150)

 Cration of value for stakeholders beyond the company in a narrow sense. Description of contribution to sustainable development and adherence to building back better principles.

AC 3 Additionality (90)

✓ Demonstration of how SECO's financial contribution provides financial additionally to the project and that project would not have been viable without SECO financing.

AC 4 Sustainability (80)

✓ Social, political and economic sustainability



Award Criteria – Content 2

AC 5 Environmental, Social and Governance (ESG) risks (80)

- ✓ Comprehensive identification and analysis of potential ESG risks
- ✓ Documentation of safeguards and mitigation strategies
- ✓ Demonstration of stakeholder engagement in the development of safeguards
- ✓ Explanation of how ESG risks will be monitored

AC6 Technological suitability (100)

✓ Demonstrate that the technology used is suitable to the Ukrainian context and can be easily deployed and implemented.

AC7 Implementation capacity

- ✓ Demonstrate capacity to effectively implement the project
- ✓ Detailed, realistic, and well-structured implementation plan



Award Criteria – Content 3

AC8 Budget (80)

✓ Demonstrate the credibility of the proposed project budget.

AC9 Applicant's own contribution (100)

- ✓ The proposal demonstrates the applicant's commitment to the project through their own financial and inkind contributions.
- ✓ Minimal own financial contribution of 10%

Award Decision

The awards are published at https://www.seco-cooperation.admin.ch/en/call-for-proposals-for-projects-with-swiss-companies-in-ukraine



Governance – Program Monitoring and Reporting

- ✓ Agreement with SECO
- ✓ Previously agreed milestones will be monitored:
 - ✓ Intermediate operational and financial report for previously agreed milestones
 - ✓ Final operational and financial report for every objective
 - Financial contribution will be paid in installments upon reaching milestones





Process Future Calls

Companies without presence in Ukraine

✓ SERV (Swiss Export Risk Insurance): protects exporters from economic and political risks. Applications are reviewed case by case

✓ S-GE (Switzerland Global Enterprise): advises companies on entering the Ukrainian market, helps identify business partners, and provides general market information

Further Calls are to be expected and will follow similar principles



How Can We Help You?

- ✓ Application Process: Documentation of elibility criteria, description of fulfilling award criteria
- Drafting Agreement with SECO
- Monitoring and reporting of milestones
- ✓ Accompaniment of process with SECO and other authorities





Challenges and opportunities:
How Swiss companies can develop in Ukraine

SWITZERLAND
GLOBAL
ENTERPRISE

enabling new business

Xavier Cornut

Consultant Europe & CIS, S-GE



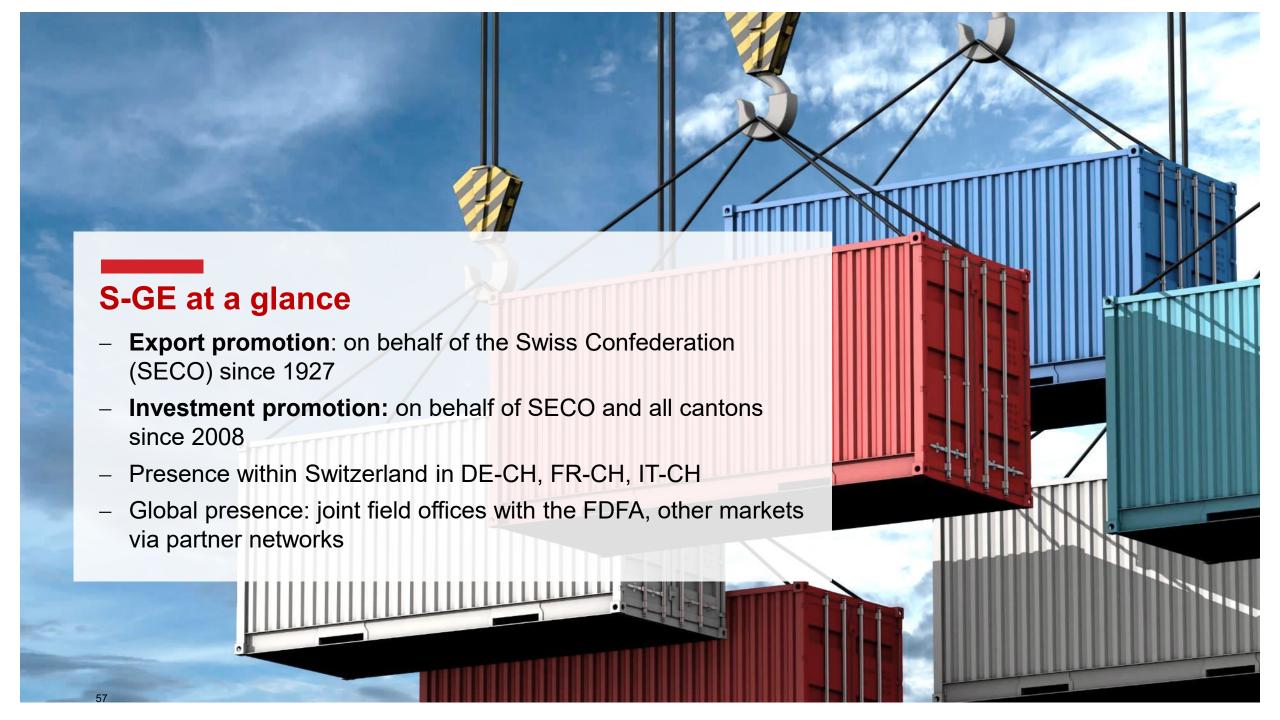




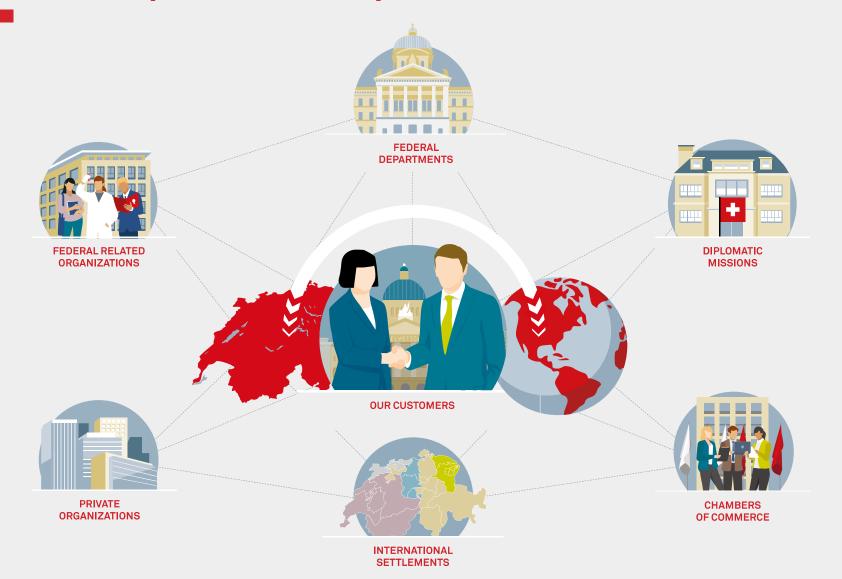
RECONSTRUCTION OF UKRAINE: OPPORTUNITIES AND CHALLENGES FOR SWISS COMPANIES

Webinar, 08.05.2025

Xavier Cornut Conseiller Europe + CIS



Shared service provision with partners at home and abroad



OFFICIAL PROGRAM



Supporting worldwide – our global presence

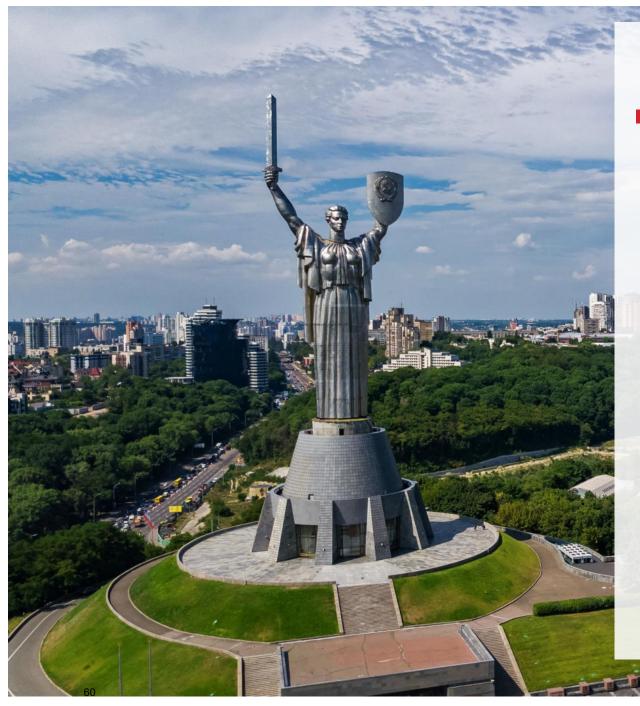


S-GE supports each year 6'500 companies from Switzerland and Liechtenstein with their international business development in more than 140 countries.

S-GE has its own teams (Swiss Business Hubs) in approximately 45 countries, embedded in Swiss Embassies.

It works with **3,000 partners** worldwide.





Ukraine

- Population : 38 million ; Capital : Kyiv (3 million)
- Model: since 2022, war economy (martial law)
 GDP: USD 160,502.74 M
 (+5,3% in 2023, +3,5% in 2024, +2% in 2025)
- Government spending rose from 17.7% of GDP (2021) to 41.9% (2023)
- Ukrainian manufacturers became the largest contributors to the national budget in 2023 16.7% of total revenues
- Citizens reduced non-essential consumption lowering consumption's share of GDP by 9.1%
- Foreign trade originally declined until 2023 due to the naval blockade but rebounded by 12.1% in 2024, driven by the maritime corridor and improved transport infrastructure

Basic features



1. Territorial Scope

- 15 times the size of Switzerland
- Approximately 18% currently occupied

2. Transportation & Accessibility

- Closed airspace access by bus or train only
- Western Ukraine remains fully operational, most of the center functions normally

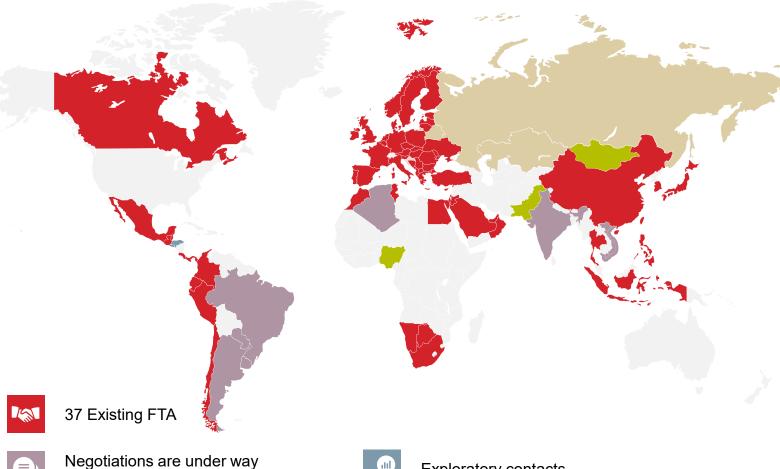
3. Security & Services (Kyiv)

- Curfew in effect: 00:00 05:00; air raids frequent at night
- Power and water supply: Stable
- Basic services: Functioning normally

4. Industrial Development

- 54 Industrial Parks across Ukraine
- National legislation offers investment incentives in the following sectors:
 - Processing industry
 - Recycling Research & Development (R&D)
 - IT and Telecommunications

Free trade agreement







EFTA-Ukraine Free Trade Agreement

- Initial FTA Signed: 2010
- Modernized Agreement: April 2025

Key Achievements

- Elimination of all tariffs on industrial goods
- Expanded duty-free access for agricultural products, especially value-added food items
- 427 products fully exempt from duties
- 163 products partially exempt a 66.2% increase in preferential access

New Features of the Modernised FTA

- Introduction of e-commerce regulations
- Enhanced support for SMEs
- Simplified trade procedures
- Access to EFTA public procurement markets



EFTA declarations of cooperation

India: signed - ratification pending



Exploratory contacts



Negotiations suspended

Back and Better: An improving economy



- Pre-war: Gradual modernization, informal networks, and slow bureaucracy.
- Today: **Speed and flexibility.**
- Decision-making has become quicker; contracts are now based on trust, not formality.
- Supply chains have shifted to local sources.

Back and Better: An improving economy (2)

Transparency

- Pre-war: Informal practices persisted.
- Today : Digital tools have increased transparency

Registration

- The difficulty lies not in bidding for project, but in initiating execution.
- Registration with the authorities is slow, can take up to 4 weeks, yet projects typically begin during this time.
- This creates a financial gap where Ukrainian partners must front costs — often significant — threatening project viability.
- Potential solutions: explore digital tools (e.g., blockchain) to accelerate project registration with authorities.



Back and Better: An improving economy (3)



Cash Flow & Payment

- Pre-war : Disruptions in physical transactions.
- Today: Restrictions in external cashflows (extra compliance) but surge in Digital payments.
- Currency restrictions complicate **material imports** (currency control, outside cashflow)

Equipment shipping

 Clarifications are needed around sending equipment to the Polish border and transferring it into Ukraine via procurement agents. Implications for Delivered Duty Paid (DDP).

Recruitment

- War + labor shortages make senior recruitment hard as people are reluctant to change jobs; stable setup phase recommended.
- Developing the skills (including language skills) of young Ukrainians. Return of a qualified diaspora, including from Switzerland (CAS Ukraine Rebuild BE FACH).

Ukraine's Resilience & Long-Term Dynamics





Crisis as a Catalyst for Innovation

- Laboratory for new technologies
- Disruption has accelerated transformation in key sectors.

Emerging Leadership in Dual-Use Technologies

- Health & MedTech
- Logistics: 1-Million drone army / Rise of "drone natives"
- Agriculture (European Hub) and AgriTech
- Digital public services : Diia Platform
- Cybersecurity & ICT: (200,000+ engineers)
- Advanced Manufacturing & Industrial processes
- Energy & Renewables

Long-Term Strategic Dynamics

- Skilled, cost-effective talent pool
- Progressive **integration** into the EU market (independent of political dynamics)

Our Tailored Support

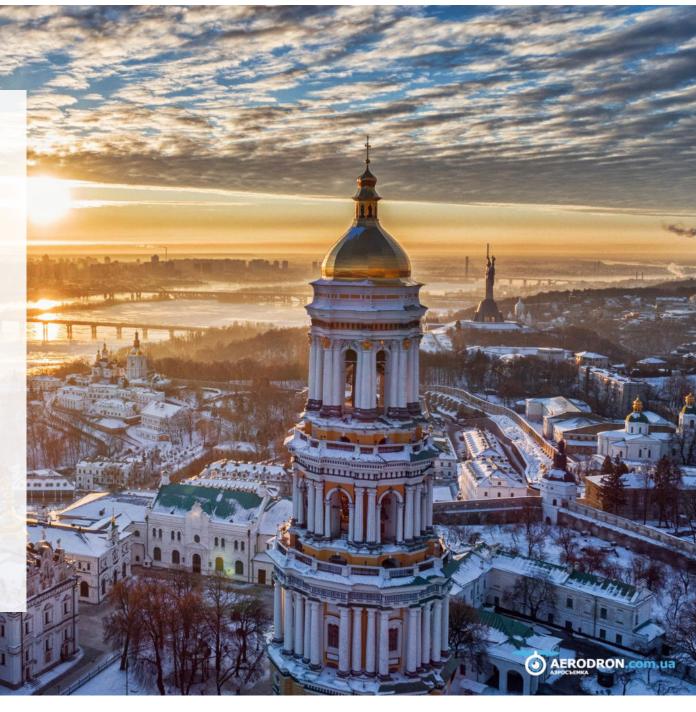




- S-GE guide for Swiss businesses with firsthand insights
- Direct input from the Embassy of Switzerland in Kyiv

What's Inside (11 Pages)

- Market trends
- Transport & logistics landscape
- Security & health considerations
- Payment systems & financial practices
- Local business culture & norms
- Insurance requirements
- Key contacts & useful addresses in Ukraine



S-GE consulting **Our Capabilities** Active in 140 countries A network of 3,000+ local experts **Our Services** Market and regulatory intelligence Distributor, agent and partner identification Support during crises and supply chain disruptions Assistance with branch openings in Ukraine Guidance on industrial setup and implantation **Export Help** Professional export center; active in 150 countries Administrative questions processed within 24 hours Free of charge

SWISS Pavillions

Global Presence, Strategic Impact

- Annual presence at leading trade fairs through official SWISS Pavilions
- High-impact visibility and networking opportunities for Swiss companies

Ukraine Rebuild Fair 2025 – Warsaw

 Largest international event focused on Ukraine's reconstruction

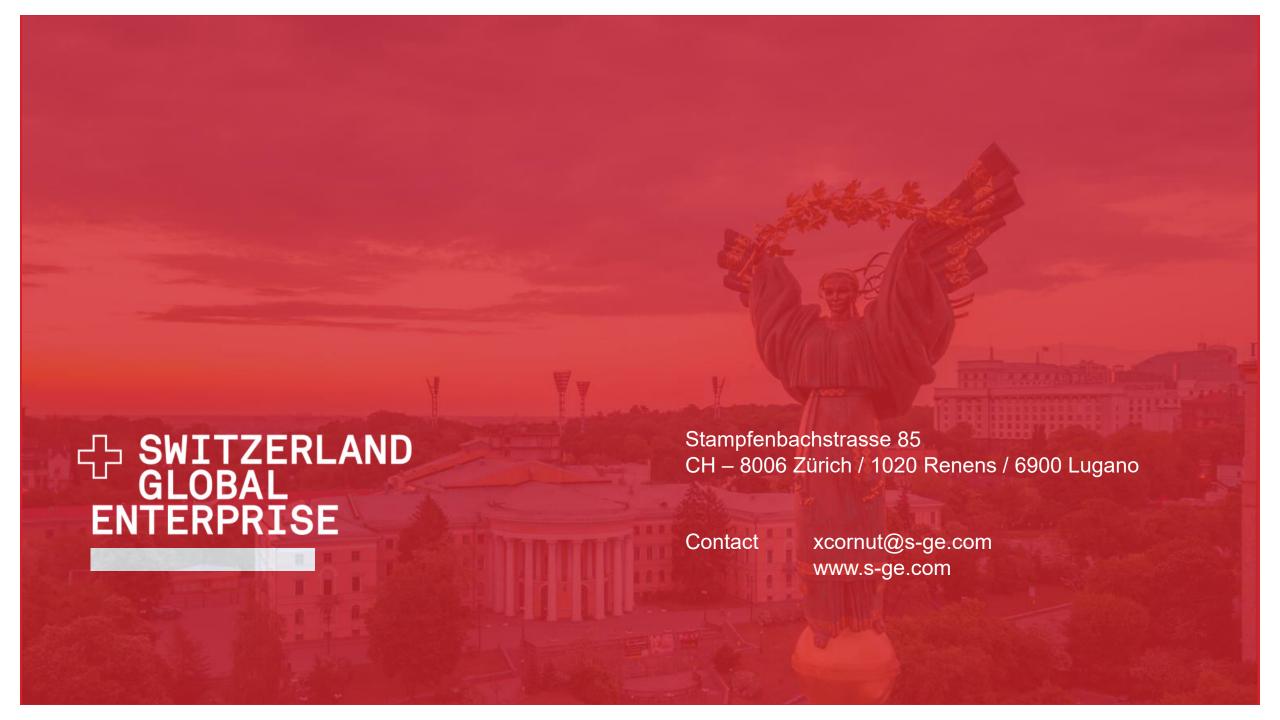
Dedicated SWISS Pavilion with:

- Prominent brand visibility
- Extended space for 2025
- > Space for **B2B meetings**
- Tailored support programs











Swiss and Ukrainian Tax Aspects of Investments by Swiss Companies in Ukraine

- ✓ Swiss Tax Regulations
- ✓ Ukrainian Tax Regulations
- ✓ Tax Implications for Swiss Companies Investing in Ukraine

Dominik Mazur

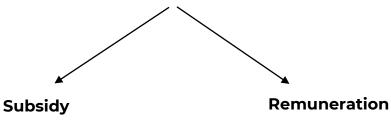
Partner & Tax Leader, LINDEMANNLAW AG





Swiss Tax Regulations - Swiss VAT

The legal qualifications related to public sector financing are significant for the input VAT of the Swiss firm that receives this funding.



- Financed by the public sector
- No repayment required from the recipient
- May include various forms, like advantageous credit terms



Reduction in input VAT

- Provided by either the public or private sector
- Given in exchange for goods or services
- Typically, a direct payment made to the provider



No reduction in input VAT

Recommendations:

- No action is required for straightforward supplies of services or goods to recipients in Switzerland or Ukraine (including to public entities).
- If there are direct or indirect subsidies involved, it's important to evaluate the VAT implications.
- A rule of thumb:
 - If the full amount comes from a single party and will be fully invoiced, it qualifies as remuneration.
 - In all other situations, the transaction should be examined.
- For public direct or indirect investment support, create an internal memo detailing the VAT treatment in preparation for a VAT audit.



Double Taxation Agreement Switzerland – Ukraine

Advantages for Swiss Investors

Lower tax rates on dividends, interest, and royalties:

- ✓ 5% on dividends received by a Swiss parent entity
- ✓ 5% on interest received by a Swiss lender
- ✓ 5% on royalties received by a Swiss licensor

The residual tax (5%) can be applied as a credit against corporate income tax in Switzerland.

Permanent Establishment - Tax Obligations in Ukraine

If a Swiss company carries on business operations in Ukraine through a fixed place of business, it may regarded as a permanent establishment, which incurs tax liability in Ukraine.

Permanent establishment may include a branch, office, factory, natural resource extraction site, or a construction/installation project that extends beyond 12 months.





Ukrainian Tax Regulations - Corporate Tax

Ukraine's Corporate Tax Rates

In Ukraine, corporate income tax (CIT) is levied on the taxable revenues of resident businesses and foreign companies with a permanent establishment. The CIT rate stands at 18%.

The taxable base is calculated based on UKR GAAP or IFRS, with adjustments for tax differences. There is a limited carry-forward of losses at 50%, and interest expense deductibility is restricted if the debt-to-equity ratio exceeds 3.5.

Transactions with Foreign Affiliates

Payments to non-residents require proof of business purpose, which exists if the transaction yields a positive economic outcome for the taxpayer and the main aim is not to achieve tax benefits, while also adhering to arm's length principles.

"Controlled transactions," including those with related parties or entities in black-listed jurisdictions, must be reported with mandatory transfer pricing documentation. Companies in countries with a double tax treaty with Ukraine can apply for an exemption from this rule annually.

RESERVE



Ukrainian Tax Regulations - Corporate Tax

Investors with Significant Investments

Eligibility:

- Investment in designated sectors (16 areas including processing, waste management, transport, R&D, healthcare, etc.).
- Minimum investment of FUR 12m.
- Creation of at least 10 jobs.
- Construction or modernization of facilities or infrastructure.
- Implementation within 5 years.

Tax Incentives:

- 5-year CIT exemption.
- VAT and import duty exemptions on new equipment (subject to government approval).

Limitation:

Total incentives capped at 30% of CAPEX.

Application Procedure:

- Submit an application with a feasibility study and financial capacity to the Ministry of Economy for review.
- A successful application results in a Special Investment Agreement with the Ukrainian government.

Industrial Parks

Eligibility:

- Investment in processing industry, alternative energy, energy storage, recycling, R&D, IT sector, telecommunications
- Acquisition of land/real estate within an industrial park
- Agreement with the park's management company.

Tax Incentives:

- CIT exemption for 10 years.
- Exemption from the VAT and import duties on import of new equipment

Limitation:

Tax exempt amount must be reinvested

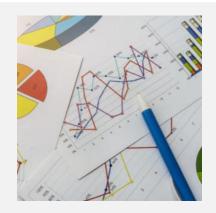
Application Procedure:

• Complex procedure for the establishment of an industrial park, however, much simpler process for members of an industrial park who conclude an agreement with the managing company.



Tax Implications for Swiss Companies Investing in Ukraine

Tax Planning Strategies



Cross-Border Tax Considerations

Swiss companies willing to invest in Ukraine have to carefully plan the legal framework and include tax considerations (direct and indirect tax expense in both Switzerland and Ukraine) in the analyzis.

Bear in mind that the same business result can be achieved through different setups, so it is worth comparing alternative structures.



Compliance and Reporting Requirements

Ukrainian tax compliance procedures must not be underestimated.

A transfer pricing documentation is highly recommended, both for Swiss and Ukrainian tax purposes, even if transactions can be exempted from the «covered transaction» rule.



Legal Structuring & EU Support

- ✓ Launch of Subsidiary vs Joint Venture
- ✓ Joint Venture Agreement
- ✓ The EUs 50 billion Ukraine Facility
- ✓ Call for Expressions of Interest from EU/EEA-based business to invest in Ukraine

Dr. Alexander Lindemann

Managing Partner, LINDEMANNLAW AG





Launch of Subsidiary vs Joint Venture

Advantages of a Subsidiary:

- Complete Control: A subsidiary allows the parent company to maintain full control over operations, strategies, and decision-making processes.
- **2. Brand Consistency:** With full ownership, the parent company can ensure that its brand image and identity remain consistent across markets.
- **3. Profit Retention:** All profits generated by the subsidiary can be retained by the parent company, rather than being shared with partners as in a joint venture.
- **4. Long-term Commitment:** Establishing a subsidiary signals a long-term commitment to the market, which can enhance credibility and reputation among local consumers.
- **5. Easier Integration:** The parent company can integrate the subsidiary's operations more easily with its existing structures, leading to potential efficiencies.

Advantages of a Joint Venture:

- 1. Shared Risk: A joint venture allows for the sharing of risks and financial investments, which can be crucial when entering an unfamiliar market.
- Local Expertise: Partnering with a local company can provide valuable insights into market dynamics, customer preferences, and regulatory environments, facilitating a smoother entry.
- 3. Access to Resources: Joint ventures can offer access to local infrastructure, distribution networks, and established relationships that would be costly or time-consuming to develop independently.
- **4. Flexibility:** They can be structured to address specific needs or goals, making them more adaptable to changing market conditions.
- 5. Quicker Market Penetration: By leveraging an existing company's market presence, a joint venture may facilitate faster entry and market penetration than establishing a subsidiary from scratch.

In summary, the choice between a subsidiary and a joint venture depends on various factors, including the company's long-term goals, the level of control desired, available resources, and the dynamics of the target market. Each option has its own set of advantages that can be strategically leveraged based on the specific circumstances of the market entry.



Joint Venture Agreement

In a joint venture agreement, several key elements should be regulated to ensure a clear understanding between the parties involved. Here are some important aspects to consider:

- 1. Purpose of the Joint Venture: Clearly define the business objectives and goals of the joint venture.
- 2. Contributions and Responsibilities: Outline the contributions of each party, including financial investments, resources, and expertise, as well as the responsibilities of each party.
- 3. Ownership Structure: Specify the ownership percentages in the joint venture and how profits and losses will be shared among the parties.
- **4. Management and Control:** Detail the governance structure, including decision-making processes, management roles, and voting rights.
- 5. **Duration of the Joint Venture:** Indicate the timeframe for the joint venture, including any provisions for renewal or termination.
- 6. Intellectual Property: Address the ownership and use of intellectual property developed during the joint venture.
- 7. Confidentiality: Include clauses to protect sensitive information shared between the parties.
- 8. **Dispute Resolution:** Establish procedures for resolving disputes that may arise, including mediation or arbitration processes.
- 9. Exit Strategy: Define conditions under which a party can exit the joint venture, including buyout provisions and the handling of assets.
- 10. Compliance and Legal Considerations: Ensure that the agreement complies with relevant laws and regulations.

 By addressing these elements, the joint venture agreement can help prevent misunderstandings and conflicts in the future.





The EUs 50 billion Ukraine Facility

- The EU's € 50 billion Ukrainian Facility is a dedicated instrument to provide stable financial support to Ukraine for the years 2024-2027.
- ✓ The Facility organized around three pillars:
 - Pillar 1: Direct financial support to Ukraine
 - Pillar 2: A specific investment framework for Ukraine
 - Pillar 3: Accession assistance
- ✓ To finance the loans to Ukraine, the EU will raise up to € 33 billion on the financial market until end 2027 by issuing EU bonds.
- ✓ Grants will be financed through the EU annual budget under a new special instrument the Ukraine Reserve.



Pillar 2: Ukraine Investment Framework

- > The Ukraine Investment Framework is the investment arm of Ukraine Facility.
- \gt € 9.3 bln in guarantees and grants aims to mobilise up to € 40 bln of investments.
- > Berlin 2024 First investment programmes signed at Ukraine Recovery Conference amounting 1.4 bln in guarantees and grants.

Investment programmes support key areas:

- ✓ Energy Sector
- ✓ Development, repair & rehabilitation of infrastructure
- ✓ Access to finance for small & Medium-Sized Enterprises

Partner Financial Institutions are EBRD, IFC, European Investment Bank Group, Council of Europe Development Bank and others.





Call for Expressions of Interest from EU/EEA-based business to invest in Ukraine

This call invites EU/EEA based companies to submit project proposals for new investments into Ukraine's real economy. All project proposals presented to the European Commission are evaluated based on the assessment criteria, subsequent contact with partner Financial Institutions may be facilitated for potential financial cooperation

Eligibility Criteria:



Geographic Area: Ukraine



Private Sector: Eligible Participants to the Call shall be private enterprises, joint venture or consortium of companies, possessing a valid VAT registration number and Transparency registration number.



Nationality of Private Entity: EU/EEA-based businesses



Alignment with Policy Priorities: Projects should focus on Ukraine's real economy sectors and align with the priority areas outlines in the Ukraine Plan (energy, critical raw materials, manufacturing, digital and transport among others).



Minimum Investment Size: Projects must meet a specified minimum investment threshold, incl. a total size of the investment project at € 50 million and an equity participation by the project promoter at 10% of the total value of the investment project.



Call for Expressions of Interest from EU/EEA-based business to invest in Ukraine

Assessment Criteria:

- ✓ **Strategic Criteria** (alignment with EU policy objectives and priority areas for investments in Ukraine; ownership of the company in view to support EU open strategic autonomy; compliance with EU standards and adherence to the Do No Significant Harm Principle).
- ✓ Impact Criteria (impact of the project proposal on supporting EU strategic interests; replicability and scalability of the project proposal; innovative features of the project proposal; capacity of the Participant to mobilise private capital to finance proposed investment, etc.)
- ✓ Financial Criteria (financial viability; maturity of the proposal; investment capacity:demonstration of ability to finance through equity at least 10% of the total cost of the project).

The first Call for Expressions of Interest was open until the 1st of March 2025.

Ukraine Recovery Conference, 10-11 July, 2025, Rome Italy









LINDEMANNLAW
Reconstruction of Ukraine



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WHY LINDEMANNLAW

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- ✓ Law is Leadership & Innovation We are a world leading law firm – Law, Tax and Intelligence for Entrepreneurs.
- ✓ **Law is Success** Due to our team of interdisciplinary and multicultural specialists we are successful where others fail.
- ✓ **Law is Communication** We communicate with our clients, business partners and with authorities from all continents in 4 world languages: English, German, Russian & French.
- ✓ Law is in Constant Development We help to shape law and drive pioneering procedures and decisions.
- ✓ Law is Justice We fight for human rights and against corruption.



THANK YOU!

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88