



Picture source: <https://www.travelwideflightsuk.co.uk/News/lusaka-places-to-visit/>

KINSTELLAR

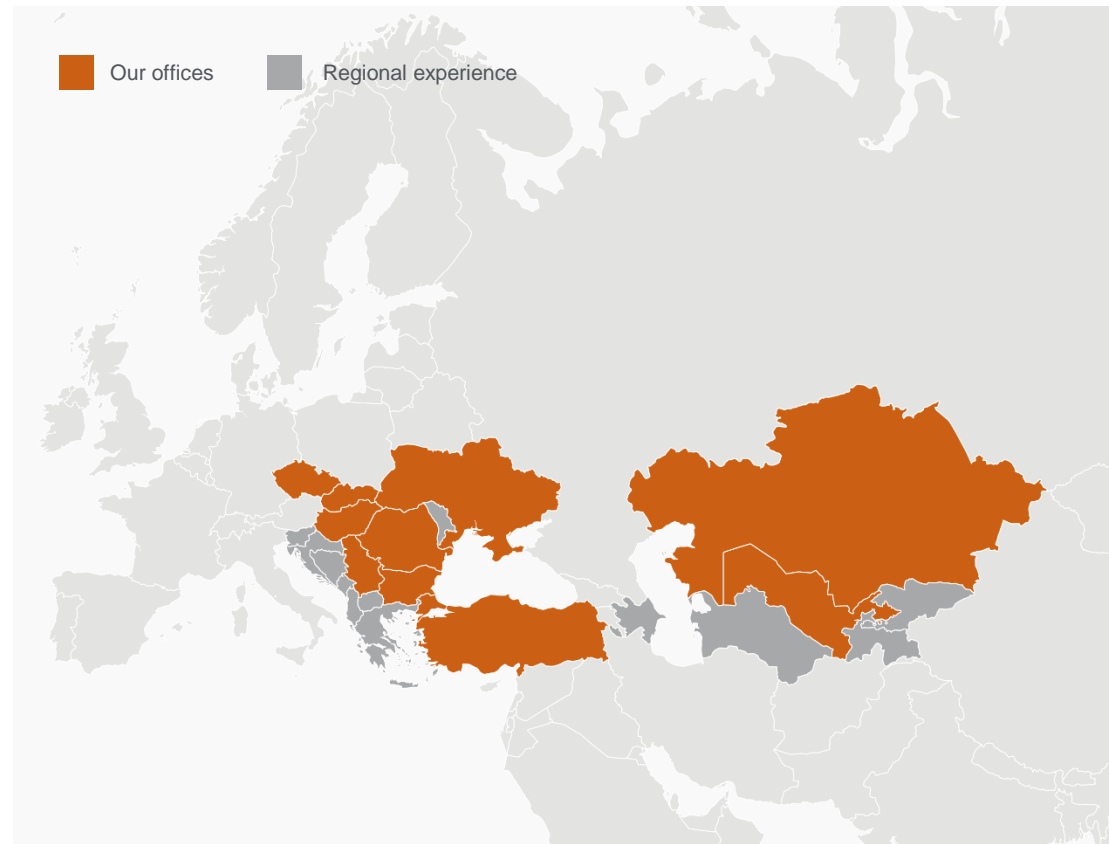
Zambia: Bilateral legal relationships. Basic introduction.

August 2019

Kinstellar: Legal advice in Emerging Europe and Central Asia

Kinstellar is an international law firm. We focus on emerging economies in Central and South Eastern Europe and Central Asia. Our offices are in **Almaty** and **Nur-Sultan** (Kazakhstan), **Belgrade** (Serbia), **Bratislava** (Slovakia), **Bucharest** (Romania), **Budapest** (Hungary), **Istanbul** (Turkey), **Kyiv** (Ukraine), **Prague** (the Czech Republic), **Sofia** (Bulgaria) and **Tashkent** (Uzbekistan).

We have strong experience in providing legal advice to clients in jurisdictions where we do not have a local presence working in joint teams with leading local law firms.



11
offices

250+
lawyers

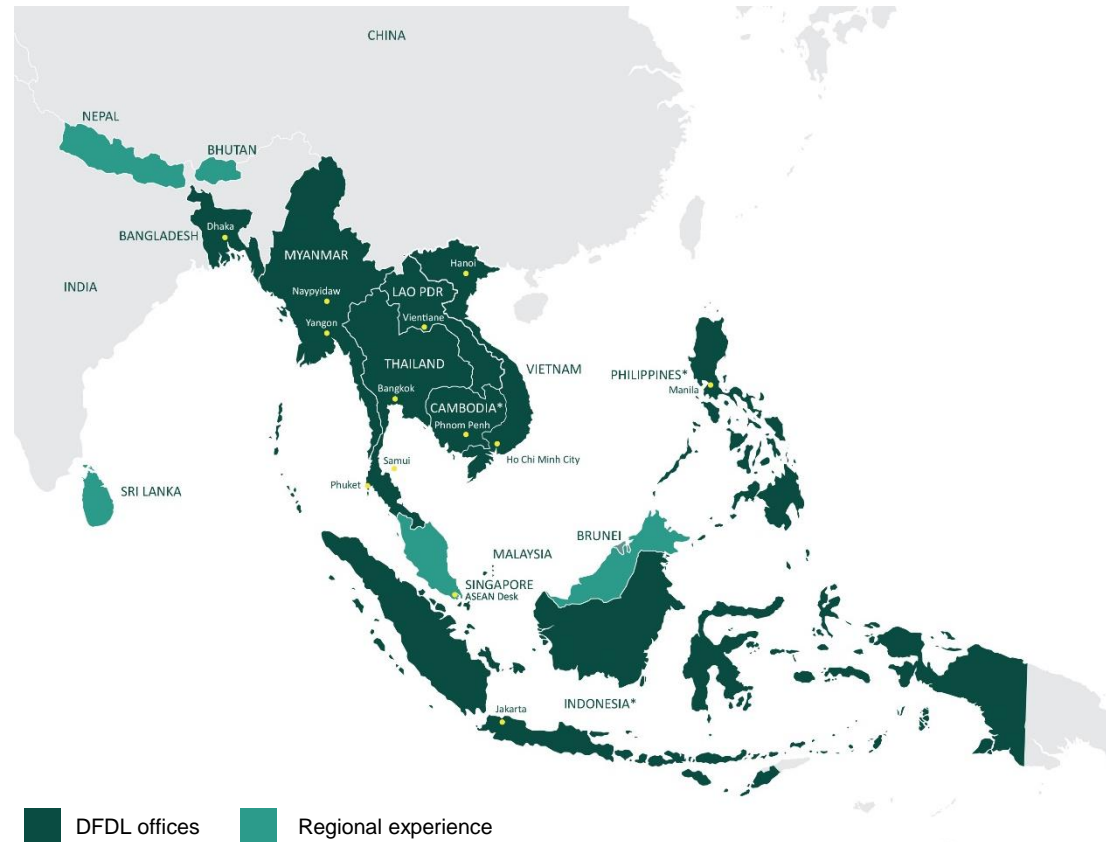
7.000+
matters

DFDL: Legal advice Southeast Asia

DFDL is an international law firm. We focus on emerging economies in Southeast Asia.

DFDL practices in **Bangladesh, Cambodia, Indonesia, Lao PDR, Myanmar, Philippines, Thailand, Vietnam** and **Singapore** (ASEAN Desk).

As a leading international law firm serving the Southeast Asian region, DFDL has also developed 'desks' to serve those clients from Singapore, China and India and which operate or have business in the DFDL Southeast Asian countries.



 13 offices	 9 countries	 150+ advisers
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What We Do

The range and breadth of our specialist practices and sectors set us apart in Emerging Europe and Central Asia.

Sectors

- Asset Solutions
- Aviation
- Automotive & Industrials
- Banks & Financial Institutions
- Energy & Natural Resources
- Industrials
- Infrastructure
- Life Sciences & Healthcare
- Private Equity
- Real Estate
- Technology, Media & Telecommunications

Practices

- Banking, Finance & Capital Markets
- Competition & State Aid
- Compliance, Risk & Sensitive Investigations
- Dispute Resolution
- Employment & Labour Law
- Energy & Natural Resources
- Infrastructure & Projects
- Intellectual Property
- M&A & Corporate
- NPLs & Distressed Assets
- Real Estate, Construction & Planning
- Restructuring & Insolvency
- Tax
- Technology, Media & Telecommunications
- White Collar Crime



Out of Area

But certainly not out of our depth. Quite the contrary.

We have experience in **close teamwork with legal counsel in jurisdictions where we do not have our own office**. Kinstellar Prague would be your **single point of contact** in order to ensure the unified approach.



In **Zambia** we work closely with **Corpus Legal Practitioners**, one of the Zambia's leading full-service law firms.

Corpus Legal Practitioners remains a premier commercial law firm in Zambia, focused on guiding local and international clients through complex financial transactions, government and regulatory matters, corporate compliance, dispute resolution, and other legal issues. Clients seek out Corpus because of its depth of experience in handling complex matters of Zambian law, its practical approach to solving legal problems, and its commitment to upholding international standards of excellence in our work.

- International Treaties
- Investment
- Enforcement of Decisions / Judicial Cooperation / Arbitration
- Verification of Documents / Apostille
- Most Common Types of Entities
- Establishing a company
- IP protection
- Finance documentation



BITs

- Not bilateral agreements in place between the Czech Republic and Zambia

Business and trade

- Marrakesh Agreement establishing the World Trade Organization
- ICSID Convention - Convention on the Settlement of Investment Disputes between States and Nationals of other States
- Agreement establishing the Common Fund for Commodities
- Agreement on Agriculture (AoA)
- Agreement on Technical Barriers to Trade (TBT)

Transport and logistic

- Member state of ICAO (International Civil Aviation Organization) - International Air Services Transit Agreement (as a council member state)

Energy

- Statute of the International Renewable Energy Agency (IRENA)
- Statute of the International Atomic Energy Agency (IAEA)

Finance

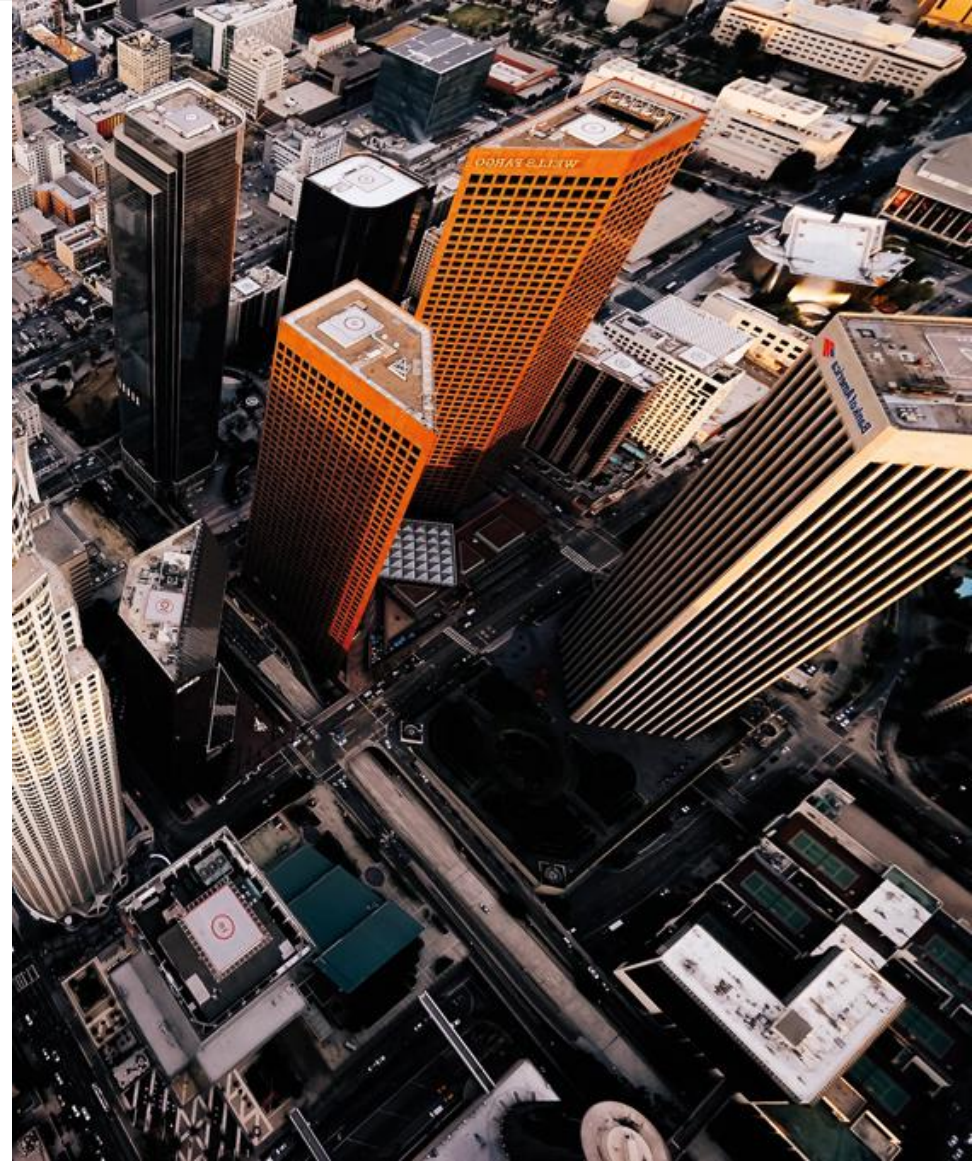
- Agreement of the International Monetary Fund (IMF)
- Convention establishing Multilateral Investment Guarantee Agency

Terrorism and Corruption

- UN International Convention for the Suppression of the Financing of Terrorism
- UN Convention against Corruption

Investment

- Zambia provides a free market liberalized economic environment and the government welcomes investors across multiple sectors
- The laws relating to investment provide investment incentives and protection in order to increase investment and international trade
- The country's geographical attributes, as well as a combination of various strengths makes it an ideal investment location
- Legal framework for investment protection



No bilateral agreement in place

Enforcement of Decisions

- **Judgments in civil and commercial matters:** Judgments of Czech courts must be re-litigated in a simplified enforcement proceedings.
- **Arbitral awards**
 - Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958)
 - Foreign arbitral awards are recognized in Zambia and they are subject to the same requirements applicable to the recognition of foreign judgments.

Zambia is not a party to the Hague Convention on Apostilles

No bilateral agreement in place

Verification of **Argentine documents** for use in the Czech Republic

- Ministry of Foreign Affairs of Zambia
- Czech Embassy in Zambia

Verification of **Czech documents** for use in Zambia

- (Ministry of Justice of the Czech Republic – three-step process for judicial and notarial documents)
- Ministry of Foreign Affairs of the Czech Republic
- Zambian Embassy in the Czech Republic

Most Common Types of Entities

- **Branch of a foreign entity**
- **Private Limited Company**
- **Public Limited Company**



Branch of a Foreign Entity

- One resident director required
- Allows 100 % ownership by a foreign entity

Private Limited Company

- Min. 2 shareholders and 2 directors
- Min. share capital K15,000 (USD 1,150)
- Registration within approx. 5 business days

Public Limited Company

- Min. 2 shareholders and 2 directors
- Min. share capital K1,500,000 (USD 115,000)
- Registration within approx. 5 business days
- May engage in any type of business

SHARES

- No restriction of ownership
- At least 1/2 of directors must be residents

REAL ESTATE

- Statutory and customary land
- Ownership of real estate is limited to Zambians and approved investors



Zambia offers a reliable system for intellectual property protection regulated predominantly through national legislation. Intellectual Property in Zambia, with the exception of copyright, is protected by registering the intellectual property with the Patent and Companies Registration Agency (PACRA).

Principal areas are:

- Patents
 - Member of the PCT system
 - ARIPO system for single registration throughout African states
- Trademarks (national registration only)
- Designs
- Copyright

Copyright registration is not mandatory; however, it is to put other members of the public on notice that a subject matter is copyright protected.

Double standards- regime

- LMA standards used by financial institutions as a non binding guide

Securities

- Assignment of rights as a security
- Pledges
 - Share pledges, the most of them
 - Mortgages
 - Corporate guaranties



Questions?





Thank you!

KINSTELLAR

Kamil Blažek
Partner
+420 221 622 160
kamil.blazek@kinstellar.com



www.kinstellar.com