

# Dr. Maria Brakalova

## Partner



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Berlin

D +49 30 2 64 73 567

maria.brakalova@dentons.com

## Overview

Dr. Maria Brakalova is a partner in Dentons' Berlin office and a member of the Competition, Antitrust and Regulatory Practice and of the Public Procurement Practice. She focuses mainly on foreign trade law and public procurement law.

Maria advises on export control matters, appearing before regulatory authorities in Germany. She supports clients in setting up or improving their internal export control compliance organization. She also advises clients on the practical implications of EU/German as well as US sanctions on transactions relating to Russia, Venezuela, Iran and other sanctioned countries. Another major area of Maria's expertise in foreign trade law relates to German foreign direct investment control (FDI control). She supports foreign investors and German targets on the implications of FDI control on M&A transactions and prepares the clearance process, closely interacting with the Federal Ministry for Economics and Energy.

Maria is chairwoman of the working committee "Foreign Trade/Export Control" of the German Institute for Compliance (DICO).

Apart from her foreign trade law expertise, Maria has substantial expertise in public procurement law. She advises bidders in public procurement procedures, in particular in the IT, healthcare and energy sectors and supports contracting authorities and sector contracting entities regarding the preparation and the execution of public procurement procedures, as well as with regard to specific procurement law issues.

In addition, Maria advises national and international companies and trade associations on anti-corruption law compliance issues.

## Experience

### Foreign Trade Law

- **Aves One:** Advising Aves One AG and several subsidiaries on the sale of their entire maritime container portfolio to a fund managed by the investment company Oak Hill Advisors.
- **Global chemical company:** Advice on export control and sanctions law (under EU and US law) and strategic

advice on the further development of internal export control compliance.

- **International plant manufacturer:** Advising on sanctions law with regard to Venezuela.
- **KPS Capital Partners:** Advising this global private equity firm on its acquisition of Glasgow-headquartered Howden from Colfax Corporation for an enterprise value of US\$1.8 billion.
- **Chinese manufacturer of environmentally friendly technologies in the energy sector:** Advising on foreign trade law and assistance in the foreign investment review by the German Federal Ministry for Economic Affairs and Energy for the acquisition of a German manufacturer of semi-finished metal products and lead/tin equipment.
- **Goldwind:** Advising the Beijing-headquartered Goldwind, a world-leading wind turbine technology and energy solutions provider, on German foreign investment law issues in respect of its £21 million subscription for shares in Oxford Photovoltaics Limited.
- **Enbridge Inc:** Advising as the exclusive legal advisor on the monetization of a 49 percent interest in a portfolio of select renewable power assets in North America and Europe through a newly created joint venture with the Canada Pension Plan Investment Board (CPPIB). Under the terms of the agreements for this \$2.25 billion investment, CPPIB will fund its 49 percent pro-rata share of the remaining construction capital required to complete the wind projects that are scheduled to come into service at the start of 2020.
- **US infrastructure private equity investor:** Foreign trade law advice and assistance in the foreign investment review by the German Federal Ministry for Economic Affairs and Energy in connection with a change in the ownership structure of an international group of companies offering network infrastructure.
- **Leading developer and operator of data centers:** Advice on foreign trade law and assistance in the foreign investment review by the German Federal Ministry for Economic Affairs and Energy for the sale to a US real estate investment fund.
- **Leading Asian energy supplier:** Advising on German foreign investment rules in connection with a bidding process for the acquisition of a globally active energy supply company.
- **Global leader in specific technology for specialty chemicals and specialty materials:** Providing foreign trade law advice, in particular with regard to export of dual-use products to embargoed countries.
- **Leading logistics company:** Advising on foreign trade law – in particular on sanctions law regarding Iran.
- **Company in the industrial engineering sector:** Advising on customs and import law and legal representation in comprehensive investigation proceedings by a main customs office.
- **Chinese company:** Advising on foreign trade law regarding the acquisition of a German company producing building materials.
- **Global company:** Advising on the improvement of the internal organization for foreign trade compliance.
- **Leading cybersecurity producer:** Advising on the global sale of dual-use products.
- **Global company:** Advising on how to handle the different requirements of export control in doing business with Russia, Cuba, Iran and Syria.

## Public Procurement

- **Leading German provider of social security software:** Representing in several significant public procurement procedures.
- **Airport service provider:** Providing legal assistance in public procurement procedures with respect to the procurement of airport services by a German airport.
- **Bitkom e.V.:** Advising on public procurement law questions regarding Bitkom's Digital City competition, a milestone project providing the winning city with the latest digital technology in the fields of

telecommunication, mobility, energy, government, health, education, trade, security and community.

- **Bidder specialized in ERP solutions for commercial services providers and for the public sector:** Providing legal assistance in public procurement procedures with respect to the ordering of financial software by several local authorities.
- **Leading international company in the nuclear sector:** Advising in EU public procurement and regulatory matters.
- **An association of several health insurance companies:** Advising in connection with the public procurement procedure for awarding rebate contracts for pharmaceuticals.
- **International corporate group in the healthcare sector:** Advising with regard to strategic public procurement matters.
- **Bidder:** Providing legal assistance to a bidder in a public procurement procedure with respect to the Airport Berlin-Schönefeld (BBI).

## Compliance

- **Global company:** Advising on anti-corruption compliance issues.
- **Leading manufacturer of electronic systems and industrial technologies:** Advising concerning compliance with national and EU environmental regulations.
- **International manufacturing company:** Advising in the context of compliance due diligences and data searches.

## Recognition

- *The Legal 500 Germany* and *EMEA*, 2020 and 2021: Recognized as a “Rising Star” in the field of Foreign Trade Law.
- *Best Lawyers* in cooperation with the German newspaper *Handelsblatt* recommends Dr. Maria Brakalova in its list of “Germany’s Best Lawyers - 2020”.

## Insights

### Articles

- “Major reform of Foreign Direct Investment rules in Germany,” Dentons client alert, April 30, 2021
- Launch of Dentons’ Foreign Direct Investment (FDI) Global Tracker , November 27, 2020
- “Update on Foreign Direct Investments in Germany - What happened to the “critical technologies”? ,” Dentons client alert, October 29, 2020
- Co-author, “Kuka war gestern – Neue Rahmenbedingungen für ausländische Direktinvestitionen in Deutschland,” *Compliance Berater*, September 2020
- Co-author, “Ownership and control: What do they mean?,” *WorldECR*, Issue 91, July-August 2020
- “Update on Foreign Direct Investments in Germany – Who is afraid of a foreign investor?,” Dentons client alert, July 20, 2020
- “COVID-19 speeds up tightening of the German foreign direct investment rules – What has happened since the outbreak of the COVID-19 crises in Europe/Germany?,” Dentons client alert, May 2020 (updated June 2020)

- “Update on Foreign Direct Investments in Germany – The next tightening of the Foreign Direct Investment Rules is within reach on the horizon,” *Dentons client alert*, February 2020
- Co-author, “Germany’s Chapter in Sanctions in Europe ,” *WorldECRs guide to Europe’s sanctions regimes*, January 2020
- Co-author, “Germany: corporate criminal liability on the trade compliance horizon,” *WorldECR*, December 2019
- Co-author, “Internationale Handelspolitik geprägt durch nationales Sicherheitsdenken,” *Compliance Berater*, part 1 in June 2019, pp. 184 and part 2 in July 2019, pp. 231
- “Germany and the European Union expand scrutiny of foreign investment – Considerations for the energy sector,” *Dentons Global Energy Blog*, May 2019
- “Foreign Direct Investments in Germany. Germany significantly lowers threshold to veto deals; FDI screening mechanism at the European level is coming soon,” *Dentons client alert*, December 2018
- “Germany tightens restrictions on foreign investment from outside the EU,” *Dentons client alert*, August 2017
- “Public procurement in Germany: overview,” *ICLG – The International Comparative Legal Guide to: Public Procurement 2016*, 8th edition, 2016 (Please note: This article appeared in the 2016 edition of *The International Comparative Legal Guide to: Public Procurement*; published by Global Legal Group Ltd, London.)
- “Public procurement in Germany: overview,” *ICLG – The International Comparative Legal Guide to: Public Procurement 2015*, 7th edition, 2015 (Please note: This article appeared in the 2015 edition of *The International Comparative Legal Guide to: Public Procurement*; published by Global Legal Group Ltd, London.)
- “Das Problem – die Lösung: Welche Mitwirkungspflichten treffen den Bieter bei der Aufklärung seines Angebots?,” *Immobilien Zeitung, Spezial Immobilienanwälte*, 2014
- Co-author, “Public procurement in Germany: overview,” in: *Practical Law Multi-Jurisdictional Guide 2014/15*
- “Kritische Exporte – neues Außenwirtschaftsrecht,” *AUSSEN WIRTSCHAFT* 6/2013
- “Außenhandel – Effektive Compliance-Strukturen jetzt gefordert,” *PLATOW Recht*, 2013
- “New challenges for foreign trade compliance amendments to the Federal Foreign Trade and Payments Act Articles,” 2013
- “Vergaberechtliche Behandlung interkommunaler Zusammenarbeit – Anmerkung zum EuGH-Urteil vom 13. Juni 2013, C-386/11 – Piepenbrock,” *Europäische Zeitschrift für Wirtschaft*, 2013
- Co-author, “Beihilfekonformität – Durch den neuen Freistellungsbeschluss der EU-Kommission können die kommunalen Krankenhäuser ihre staatliche Finanzierung beihilfekonform gestalten,” *Management & Krankenhaus*, 2013
- Co-author, “Aktuelle vergaberechtliche Entwicklungen im Gesundheitssektor,” *Neue Zeitschrift für Baurecht und Vergaberecht*, 2013
- “Keine Pflicht zu Vergabeverfahren bei kommunalen Bauaufträgen – Anmerkung zum EuGH-Urteil vom 25. März 2010, C-451/08 – Helmut Müller,” *Europäische Zeitschrift für Wirtschaft*, 2010
- Co-author, “Nationale Beschränkungen des Wegzugs von Gesellschaften innerhalb der EU bleiben zulässig – Anmerkung zum EuGH-Urteil vom 16. Dezember 2008, C-210/06 – Cartesio,” *Der Betrieb*, 2009

## Books

- *Wege zur Reformierung der Europäischen Verfassungsgerichtsbarkeit unter besonderer Berücksichtigung*

## Interviews

- “Legal Tech in Practice - what are the Challenges to Innovation?,” Podcast with Dr. Rainer Markfort and Dr. Alexander Steinbrecher (Bombardier Transportation, Alstom Group), Dentons insights, published May 7, 2021
- “US Sanctions and export control: Trends and hot topics under the new US administration,” Interview with Peter G. Feldman from Dentons US, Dentons insights, published on April 7, 2021

## Activities and Affiliations

### Memberships

- Chairwoman of the working committee „Foreign Trade/Export Control” of the German Institute for Compliance (DICO).
- Member, DVNW Deutsches Vergabenetzwerk
- Member, Forum Vergabe e. V.

### Prior and Present Employment

- Partner, Dentons, Berlin, 2021 to date
- Counsel, Dentons, Berlin, 2016-2021
- Senior associate, Dentons, Berlin, 2013-2016
- Associate, Dentons (formerly Salans), Berlin, 2007-2013
- Research assistant at the office of a Member of the German Bundestag, 2004-2006
- Research assistant, WilmerHale, 2000-2004

## Areas of focus

### Practices

- Compliance
- Energy
- Public Policy and Regulation
- Public Procurement
- Public Law
- Trade, WTO and Customs
- Public Law in Germany
- Public Procurement in Germany

### Industry sectors

- Energy
- Information Technology (IT)
- Life Sciences and Health Care
- Energy in Germany

## Education

- Freie Universität Berlin, 2007, Dr. iur.
- Legal clerkship, 2005-2007, Berlin and Geneva
- Freie Universität Berlin, 2002, Legal studies

## Admissions and qualifications

- Admitted to the bar, Germany, 2007

## Languages

- Bulgarian
- English
- French
- German
- Spanish