

## **A competition on selection of legal entities implementing the sale of seized assets announced**

**1. DATE OF PUBLICATION OF THE ANNOUNCEMENT:** 21.03.2024

### **2. INFORMATION ON ASSETS TO BE SOLD:**

**Asset name:** property of a non-resident legal entity LANELIA HOLDINGS LTD (Trust Company Complex, Ajeltake Road ,Ajeltake, Majuro MH 96960, Marshall Islands), namely: the vessel (yacht) ROYAL ROMANCE, built in 2015 (IMO number: 1012268).

#### **Characteristics of the asset:**

##### **Description of the asset:**

**The asset** is the property of a non-resident legal entity LANELIA HOLDINGS LTD ( Trust Company Complex, Ajeltake Road, Ajeltake, Majuro MH 96960, Marshall Islands), namely: ship (yacht) ROYAL ROMANCE, 2015 (IMO number: 1012268).

According to the International Maritime Organization (GISIS IMO), information on the vessel's national registration is not available or has not been communicated to the Scheme manager.

In accordance with the requirements specified in the Procedure for competitive selection of legal entities that implement the sale of seized assets, approved by the Cabinet of Ministers of Ukraine Resolution No. 558 of 09.08.2017 (with amendments), the sale of an asset in the form of movable property located abroad, approved by the Cabinet of Ministers of Ukraine, which was formalized by protocol decision No. 20 dated 02.16.2024.

#### **Characteristics of assets and their location**

**The asset** is the property of a non-resident legal entity LANELIA HOLDINGS LTD ( Trust Company Complex, Ajeltake, Ajeltake Road, Majuro MH 96960, Marshall Islands), namely: ship (yacht) ROYAL ROMANCE, 2015 (IMO number : 1012268), location: near the dock of the Adria Shipyard Docks in Trogir, Republic of Croatia.

According to the technical characteristics, the Asset has a length of 92.1 meters and a height of 28.92 meters.

The volume of fuel tanks is 200 tons of fuel. The number of fuel tanks is 7.

The ship consists of 6 floors, has 2 elevators.

On the 6th floor there is a cinema with furniture, kitchen and other decorations. There is also an open deck for guests to relax on the 6th floor ( sun deck).

On the 5th floor there is a room equipped for wine storage (wine refrigerator), a living room (guest lounge) with a deck. Also, on the 5th floor is the captain's deck ( bridge deck).

On the 4th floor there are 2 bathrooms, the owner's cabin, 2 dressing rooms for men and women, a study with furniture and a library with books, a children's room, a salon with furniture (a relaxation room).

On the 3rd floor there are 4 bathrooms, 4 dressing rooms, 4 bedrooms, 3 cabins and a separate toilet, a living room (dining room) with a table and chairs for 20 people, a salon (a lounge with soft furniture). The main deck (owner's deck) is on the 3rd floor.

On the 2nd floor there is a gym with a bathroom, a sauna - spa area, a hammam, a cosmetology room with LPG equipment, 2 rope lockers and two compartments with two spare boats.

On the 1st floor there is a machine room in which there are 2 diesel engines of 3002 hp each, and 3 generators, separate room, kitchen with equipment, crew dining room, 11 crew rest rooms, anchor compartment, compartment that stores 2 jet skis and an inflatable rescue boat, emergency generator. Also, the yacht is decorated with a swimming pool on the 1st floor.

On the ground floor there is a laundry room, refrigeration equipment, utility rooms, a fire protection system, a control room for elevators, compressors, cold and hot water. During the visual inspection on 29.02.2024, authorized ARMA officials found no damage, malfunctions or defects. The seized asset is properly preserved and in excellent condition.

**Photo:**



**The basis for transferring the asset for sale to ARMA:** the decision of the investigative judge of the Lychakiv district court of the city of Lviv dated April 11, 2022 in case No. 463/1712/22.; decision of the District Court of the City of Split, Republic of Croatia dated 23.05.2022 No. Kir - 414/2022, decision of the District Court of the City of Split, Republic of Croatia dated 26.05.2022 No. Kv - II -220/2022.

**3. REQUIREMENTS FOR PARTICIPANTS:** legal entities

**4. LIST OF DOCUMENTS submitted to the commission for confirmation of the participant's compliance with the requirements:**

1. Application for participation in the competition according to APPENDIX 1
2. Documents according to the LIST

A competition participant which performs the sale of assets in the form of movable property located abroad and handed over to the ARMA for sale without the consent of the owner by a decision of an investigating judge, a court or in the presence of a notarized copy of the owner's consent to the sale of such property (hereinafter referred to as a competition participant who makes sale of property abroad), must meet the following minimum **QUALIFICATION CRITERIA**.

**Attention to the participants of the competition!**

#### **QUALIFICATION CRITERIA FOR EVALUATION BY THE COMMISSION**

*(Scale of evaluation of competition participants for the sale of assets engaged in the sale of property abroad) [Download](#)*

**5. DEADLINE FOR ACCEPTANCE OF DOCUMENTS FOR PARTICIPATION IN THE COMPETITION:** April 18, 2024 until 05:00 PM Kyiv Time

**6. PROCEDURE FOR SUBMISSION OF DOCUMENTS FOR PARTICIPATION IN THE COMPETITION:** documents are submitted in accordance with the PROCEDURE for competitive selection of legal entities that implement the sale of seized assets, approved by Resolution No. 558 of the Cabinet of Ministers of Ukraine dated August 9, 2017 (as amended).

PDF file) by sending them to the official email address of the ARMA [info@theARMA.gov.ua](mailto:info@theARMA.gov.ua).

The price offer is submitted in electronic form by sending to the email address [sale.aktiv@arma.gov.ua](mailto:sale.aktiv@arma.gov.ua)

Documents in electronic form are submitted with an overlay of an electronic signature based on a qualified electronic signature certificate

Documents submitted to the commission are drawn up in Ukrainian.

**Documents drawn up in a foreign language must be translated into Ukrainian with the appropriate legalization of documents, an apostille (the authenticity of the translator's signature is to be notarized).**

Documents that relate to legal entity - non-resident, legalization of which is not provided for by international treaties, consent to binding of which is provided by the Verkhovna Rada of

Ukraine, must be translated into Ukrainian language, and their translation must be certified by a notary public, by an official who, accordingly to the law has the right to perform such notarial acts.

Documents drawn up in Ukrainian language and certified on the territory state their issuance according to the legislation of such state or are certified by affixing apostille according to international treaties of Ukraine, do not require additional translation or certification.

If separate documents stipulated by the Procedure cannot be presented by legal entity, written assurance (in any form) on absence in the legislation of corresponding state requirements of obtaining such documents (permits, approvals etc.) is provided.

Documents for participation in the competition are provided to the commission by legal entity, are signed by its manager or representative of legal entity.

Documents that confirm the right to signature by representative of a legal entity of documents for participation in the competition are submitted in a certified copy by representative of legal entity.

*In the documents for representation in the commission of legal entity the amount of powers representative for the committing of actions and signing of documents for participation in the competition is indicated.*

*Liability for completeness and authenticity of information specified in the documents is asserted on the participant. Mistakes that related to registration of documents and materials and which do not affect the content, namely - technical errors and typos are considered inconsequential.*

The participant has the right to withdraw their application before the day of the meeting of the commission for its consideration, by notifying the commission in the manner provided for in the Procedure for submitting documents/information for participation in the competition. The package of documents submitted by such a participant is not considered at the commission meeting.

## **7. THE PROCEDURE FOR OBTAINING CLARIFICATIONS AND EXPLANATIONS REGARDING PARTICIPATION IN THE COMPETITION FROM THE PARTICIPANT:**

Participants have the right to apply to the commission for clarification or explanation of information regarding the conduct of the competition, including the list of documents for participation and the procedure for their submission, determined by this Procedure for Qualification Criteria, other issues related to the holding of the competition, no later than five working days (11.04.2024 inclusive) before the date of its holding.

The Commission responds to each participant's appeal within three working days (the last response to a request for clarification may be provided until 15.04.2024 inclusive) from the day of its receipt by replying to the participant's e-mail address specified in the application for participation in the competition, using a qualification electronic signature.

Participants have the right to send clarifications and explanations to already sent documents and/or new documents to add them to the list of documents specified in this Procedure, which are submitted for consideration by the commission to confirm the participant's compliance with the requirements, but no later than the deadline for submitting documents for participation in competition (no later than 18.04.2024 by 05:00 PM Kyiv Time).

## **8. THE PROCEDURE FOR OBTAINING CLARIFICATIONS AND EXPLANATIONS REGARDING PARTICIPATION IN THE COMPETITION FROM THE COMMISSION:**

The request for clarification of documents/information shall be sent by the secretary of the commission to the e-mail address of the participant specified in the application for participation in the competition no later than within the working day following the day when the commission makes a decision to clarify the information.

A response to a request for clarification of documents/information shall be provided by the participant within five business days from the date of receipt of the request sent by the secretary of the commission to his/her e-mail address, taking into account the requirements established in accordance with the PROCEDURE for the selection on a competitive basis of legal entities engaged in the sale of seized assets, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 558 dated 09.08.2017 (as amended).

Failure to respond to a request for clarification of documents/information within the established time limit is not a ground for refusal to admit a participant to the competition. In this case, the commission shall consider the documents submitted by the participant in the existing volume.

## **9. DATE OF THE COMMISSION MEETING TO CONSIDER THE DOCUMENTS SUBMITTED BY THE PARTICIPANTS, indicating the possibility of participation of the participant's representative in the relevant meeting: 23.04.2024.**

## **10. Draft Service AGREEMENT between ARMA and the winner of the competition for the selection of the organizer of the sale of seized assets.**

## **11. OTHER INFORMATION NECESSARY FOR THE COMPETITION, TAKING INTO ACCOUNT THE SPECIFICS OF THE ASSET:**

11.1. Issues related to electronic bidding for the sale of assets abroad and not regulated by the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for the Sale of Seized Assets at Electronic Bidding" No. 719 dated 27.09.2017 shall be regulated by the rules of electronic bidding, which shall be determined by the organizer in accordance with the terms of the agreement concluded between the organizer and ARMA.

11.2. In case the winner of the competition is a non-resident legal entity and in case there is a need to harmonize the terms of the draft service agreement, which was published in the competition announcement, with the legislation of the state of location of such legal entity, the winner of the competition initiates negotiations with ARMA and submits relevant proposals to the draft agreement within five working days from the date of receipt of the notification of the competition results.

The term for agreeing on the terms and signing a service agreement with a non-resident legal entity is no more than 15 working days from the date of receipt of the notice of the competition results.

11.3. If several bidders who submitted applications for the sale of assets abroad have scored the same number of points, the bidder who offered the lowest cost of services shall be recognized as the winner of the competition.

11.4. The amount of the organizer's remuneration and the procedure for its calculation in case of sale of assets abroad shall be established by the agreement between ARMA and the organizer and may not exceed 15 percent of the sale price of the lot.

The amount of the organizer's remuneration may not include the costs of taking measures necessary to prepare for the electronic bidding for the sale of the relevant assets. In this case, such expenses shall be additionally reimbursed by the successful bidder, subject to the

requirements of the legislation of the state in which the relevant assets are located, upon prior approval of ARMA.

## **Minimum qualification criteria**

- 1) criteria defined by subparagraphs 1, 3, 4, 8, 14 of paragraph 13 of the Procedure:
  - to be registered as a legal entity in accordance with the procedure established by law;
  - lack of an open procedure for restoring solvency or declaring a legal entity bankrupt, a court decision on declaring a bankrupt, an open procedure for liquidating a legal entity;
  - non-application of any personal, special, economic and other restrictive measures (sanctions) at the national and/or international level to the legal entity, its ultimate beneficial owner, founders (participants), other persons in the ownership structure and to the employees;
  - have at least six employees available to ensure the proper process of electronic bidding (auctions);
  - not to have among the final beneficial owners, as part of the founders (participants) or the ownership structure of the legal entity, individuals or legal entities whose place of residence (location) or registration are states recognized by the Verkhovna Rada of Ukraine as aggressor states, or the Republic of Belarus;
  
- 2) availability of the right of use of system of electronic bidding according to the auction principle (document that confirms ownership of such a system or the right to use it, in particular, by engaging others legal persons);
  
- 3) availability of the right to use the domain name on which electronic system is placed bidding on the principle of an auction, on the Internet (document that confirms the right to use such domain by name);
  
- 4) availability of developed and posted instructions for users regarding the use of the system specified in subparagraph 2 of the paragraph;
  
- 5) availability of a valid tool in the system specified in sub-item 2 of this item cryptographic protection that confirms the authenticity of the domain name on which placed the specified system, and is used for provisioning safe connection between the server of the operator's website and the participants auction;
  
- 6) availability of the possibility to provide feedback from potential participants of electronic auctions during preparation for their conduct and during their conduct (independently or with the involvement of other persons);
  
- 7) availability of no less than three years of experience in organizing at the international level of sale of assets of the corresponding type ( similar or analogous to assets are which subject to sale) at electronic auctions based on the auction principle, which is documented;
  
- 8) have an impeccable business reputation within the meaning of subparagraph 15 of paragraph 13 of the Procedure.

**An impeccable business reputation should be understood as a set of confirmed information about a legal entity, which makes it possible to draw a conclusion about:**

the absence of violations of the requirements of the legislation on prevention and countering against the legalization (laundering) of proceeds of crime, the financing of terrorism, and the financing of the proliferation of weapons of mass destruction established during the last three years by the competent authorities or the court;

the absence of violations of the requirements of the legislation on the prevention of corruption established by the competent authorities or the court during the last three years;

the absence of anti-competitive concerted actions of business entities established by the competent authorities or a court within the last three years in accordance with the legislation of Ukraine or the legislation of other states;



the absence of criminal law measures applied to the legal entity in accordance with the legislation of Ukraine or the legislation of other states;

the absence by authorized persons of a legal entity and employees which are involved in the provision of services for the sale of assets of convictions for crimes against the foundations of national security, peace, security of humanity and international legal order, public safety, property, in the sphere of economic activity, in the sphere of the use of electronic computing machines (computers), systems and computer networks and telecommunication networks and in the field of official activity and professional activity related to the provision of public services, which was not expunged or (the record was not cleared) in accordance with the procedure established by law.

**The following qualification criteria are established for the participants of the competition, in relation to which the commission conducts an assessment in order to determine the winner**

1) the presence by the competition participant of the appropriate material and technical base for the organization and realization of the sale of the asset on electronic auctions based on the auction principle;

2) the presence by the participant of the competition of at least three years of practical experience in the organization of sale at electronic auctions based on the principle of asset auction, similar or analogous to the assets to be sold;

3) the presence of employees which have the necessary knowledge and practical experience in the preparation and implementation of the sale of property, in particular seized property;

4) the presence by the participant of the competition (independently or with the involvement of other persons) of practical experience, which is at least three years, regarding the organization of the evaluation of the asset to be sold, by professional appraisers who have practical experience in the evaluation of a certain type of property;

5) the presence by the participant of the competition, independently or with the involvement of other persons, of practical experience, which is at least three years, in relation to:

demonstration of the asset;

implementation of measures related to the preparation of the asset for sale, in particular, regarding the movement, inventory, sorting, identification of assets or other measures, the implementation of which is necessary for the sale of assets;

6) the presence by the participant of the competition of at least three years of practical experience in the organization of the sale of assets at the international level, in particular, with the involvement of foreign participants;

7) a proposed price offer for the payment of the competition participant's services under the agreement for the provision of services;

8) the rules of electronic auctions proposed by the participant correspond to the Procedure for the sale of seized assets at electronic auctions regarding the sale of assets provided for in the third paragraph of Clause 3 of the Procedure.



**APPLICATION**  
on participation in the competitive selection of legal entities,  
which implement the sale of seized assets

**Participant**

\_\_\_\_\_ (name of legal entity, code according to single state register (if available))  
Location of the legal entity (address of the place of registration of legal entity) \_\_\_\_\_  
Mailing address \_\_\_\_\_  
Phone number \_\_\_\_\_ email address \_\_\_\_\_

We ask for permission to participate in the selection on a competitive basis of a legal entity that will implement the sale of seized assets (hereinafter referred to as the competition),

\_\_\_\_\_ ( information about the assets to be sold, in accordance with the published  
\_\_\_\_\_ on the official ARMA website information about the conduct of the competition)

We confirm the ability to fulfill the requirements of the Procedure for the Sale of Seized Assets on Electronic Auctions, approved by Resolution No. 719 of the Cabinet of Ministers of Ukraine dated September 27, 2017, and the non-application to the legal entity, its founders and employees of any personal, special, economic and other restrictive measures (sanctions) at the national and/or international level.

In the case of determining the winner of the competition, within five working days from the day of receiving the notification of the results of the competition from the ARMA, we undertake to contact the ARMA and submit a signed draft of the agreement for the provision of services, which was placed in the announcement of the competition, or, if necessary, to agree on the terms of such agreement with the legislation of the state of the location of the non-resident legal entity to provide appropriate proposals.

Acquainted with the fact that in the event of failure to conclude a agreement within the time period established by the Procedure for the selection on a competition basis of legal entities that implement the sale of seized assets, approved by Resolution No. 558 of the Cabinet of Ministers of Ukraine dated August 9, 2017, as amended by the Resolution of the Cabinet of Ministers of Ukraine dated November 14, 2023, No. 1250, the ARMA sends a notification on the determination of the winner and the conclusion of the agreement to the participant of the competition which took the second place in terms of the number of points.

Attached to this application are the documents specified in Clauses 18, 19 of the Procedure for Competitive Selection of Legal Entities Realizing Seized Assets. We confirm that the provided information, documents, information and materials regarding the applicant are reliable.

\_\_\_\_\_ (name of the manager's position  
signatory)

\_\_\_\_\_ (signature and seal (if available))

\_\_\_\_\_ (name and surname)

## **The list of documents attached to the application for participation in the competition:**

1) copies of statutory/founding documents of a legal entity, and for non-resident legal entities, also a document on the registration of such a person in the state of its location (excerpt from the trade, bank or court register, etc.), certified in accordance with the legislation of the state of its issuance.

*If there is an opportunity to review the constituent documents of the participant in the Unified State Register of Legal Entities and Individuals - copies of such documents are not provided to entrepreneurs and public organizations;*

2) reference in arbitrary form with a description general work algorithm electronic bidding ( auction) and information that confirms possibility to provide unimpeded access of participants to participation in electronic auctions, information of equal conditions of participation and round-the-clock access to information for all participants of electronic bidding on holding trades, opportunity search and review complete and reliable information about the conduct of electronic trade, archive of such trades conducted, as well as availability of users support services in the system of electronic bidding according to the auction principle, which is used by a participant ( further - system of electronic trades).

*For description of algorithms of work of system of electronic trade member has the right to submit an electronic / paper presentation form that describes process of organization and of implementation of electronic bidding according to the principle of auction and making of their summaries and contains graphic image of process of work if system of electronic trades, organizational and methodical documents on issues of software functioning of such systems ( instructions for users etc.);*

3) a participant which is a legal entity - a non-resident, submits information on participants and on ownership structure of legal entity;

4) informative reference from the Single register of enterprises, regarding which has been initiated a bankruptcy case, which was formed no later than than for two working days prior to date of submitting of an application for participation in the competition, or another official document which affirms the conformity to specified qualification criterion and certified according to legislation of state where it was issued;

5) a certificate of non-application towards a legal entity, its final beneficiary owner, founders ( participants), others persons in the structure of property and of employees of any personal, special, economic and others restrictive measures ( sanctions) at the national and/ or international levels ( is submitted in arbitrary form with a signature by a manager of legal entity or by an authorized person);

6) information on availability offices in Ukraine, countries Europe, North and South America, Africa, Asia and Australia, in particular in the country where are actually arrested assets which are subject to sale, with provision of relevant extracts from the register (including electronic register) or of a registration certificates branch, representative office, subsidiary company, parent company companies, others affiliated persons ( affiliated persons - legal entities, in relation to whose member exercises control or which exercise control over the participant, or which together with the participant are under the control of another person or others persons with whom member has contractual relations, in particular franchise agreement or association, other association enterprises, and which are presented on the market of hosting services trades under one commercial brand), or others official documents issued by authorized

institution that confirm such a fact, documents that confirm availability of material and technical base that gives ability to use the electronic trade system, provide its functioning and proper protection.

*Member has the right to submit a letter in an arbitrary form with explanation of a structure of corporate relations between offices;*

7) confirmation by appropriate references and copies of documents of availability of at least six employees to provide proper process of carrying out electronic auctions;

8) information on organization of bidding by property of a certain kind and type similar to assets which are subject to implementation, with indication of description of the property that was implemented according to the electronic procedure of bidding, of a brief description of the course of conduct of trades and of their basic results and roles of participant in the provision of relevant services (copies protocols of carrying out of electronic trades, others documents which reflect the results of sale of property on electronic auctions, etc.), information on volume and quantity concluded in the system of electronic trade transactions, number of biddings and value of real estate for at least three previous years(accounted);

9) information on confirmation of availability of labor relations / contracts with specialists with experience of work in the field of organization of carrying out electronic bidding according to the auction principle, biographical references of employees, information on availability or opportunities on conclusion of agreements/contracts for the provision of conducting of services of evaluations of assets which were sold on organized by a participant auction, others measures with such property and others necessary information, in particular on availability of equipment and transport to provide relocation of services assets or availability of agreement concluded by third parties for the provision of such services;

10) draft of the proposed electronic rules of bidding according to the principle of the auction and the terms of performance of the agreement for provision of services, which, in particular, contains information in respect of the procedures under which by a participant is offered carrying out of electronic sale/bidding of arrested assets;

11) information on cases of organization of trades (bidding) of property that was sold according to the electronic procedure at international trade level with involvement of foreign participants, on the volume and number of concluded in the system, in which bidding is conducted, deals and quantity of conducted trade (bidding) for the previous year (accounted), copies of agreements and/ or of others confirmed documents of publications quoted by domestic and/ or international information agencies (if available);

12) a price offer regarding the amount of the participant's remuneration for organizing the sale of assets, which is determined as a percentage of the value of the assets to be sold;

13) a certificate on the absence of recorded violations of the legislation on economic competition and/or violations of the rules of unfair competition, such as manipulation of the amount of the operator's remuneration, dissemination of inaccurate information about market participants, etc.;

14) information on the availability of the right to use the electronic bidding system based on the auction principle (a document confirming ownership of such a system or the right to use it, in particular, by involving other legal entities);

15) information on the availability of the right to use the domain name on which the electronic auction system is located on the Internet (a document confirming the right to use such a domain name, in particular, by involving other legal entities);

16) information on the availability of developed and posted instructions for users regarding the use of the bidding system.

*The participant has the right to additionally submit other documents confirming compliance with the criteria specified in the Procedure.*