

**Announcement**  
**on the initiation of the procedure of selecting the lawyer and/or law firm/associated law firm, including foreign lawyer/individual or associate law firm, to represent the interests of the Government of Republic of Moldova in arbitral proceedings.**

According to the **Government Decision no.764 of October 12, 2012** *on the representation of the state's interests before domestic courts, as well as before national and international arbitral tribunals* (published on 19.10.2012 in the Official Gazette, nr.216-220), as well as according to the Minister of Justice Orders no. 667 of 23 June 2016, regarding the initiation of the proceedings for the selection of the state representative(s) in international arbitral tribunal(s) and nomination of the members of the Government Committee for the selection of such a representative(s) ("the Committee") in the case: **Evrobalt LLC vs. Republic of Moldova, pending before the Arbitration Institute of the Stockholm Chamber of Commerce.**

On 4 may 2016, Evrobalt LLC raised the existence of an investment arbitration dispute with the Republic of Moldova and has submitted to the Arbitration Institute of the Stockholm Chamber of Commerce a request for arbitration, alleging a violation of the Treaty on the mutual promotion and protection of capital investments entered into by the Government of the Republic of Moldova and the Government of the Russian Federation of 17 March 1998.

The claims of the claimant are regarding that, despite the fact that Evcobalt LLC made an investment by acquiring 4,5023% of shares, of a Moldovan bank with the approval of the National Bank of Moldova, The National Bank found that Evrobalt LLC acts concertedly with other shareholders of the bank, and holds with other shareholders a substantial share in the capital of the bank without the necessary permission of the National Bank, and as consequence, the vote rights and other rights of the Evrobalt LLC were suspended, and Evrobalt LLC is obliged to sell its shares in 3 within months period. This requirement, according to the claimant is an act of illegal expropriation and a lack of fair and equitable treatment, breaking the art.3 and art.6 of the Mutual Agreement signed between the Government of Republic of Moldova and Russian Federation regarding the promotion and protection of the reciprocal capital investments.

On 9 June 2016 another shareholder of the same bank – Kompozit LLC (Russian Federation) – in the same circumstances and on the same grounds, initiated separately an arbitral litigation against Republic of Moldova before the Arbitration Institute of the Stockholm Chamber of Commerce

Given the fact that these circumstances are identically the same, it is examined the opportunity to select the law office/ law firm who can represent the interests of Republic of Moldova in both of the cases

Therefore, it is required to submit separately the price offer of the following:

- **the offer for representation of the interests of Republic of Moldova in Evrobalt LLC case**
- **the offer for representation of the interests of Republic of Moldova in Kompozit LLC case**

**- the offer for representation of the interests of Republic of Moldova in both Evrobalt LLC and Kompozit LLC cases**

### **I. Time and place where the selection will be organized.**

The selection will be conducted in the building of the Minister of Justice: Republic of Moldova, MD-2012, Chişinău, 31 August 1989 street, no.82, second floor, office 216, on July 19, 2016, at 09:00. The participants and their representatives shall have the right to be present during the opening of the offers.

### **II. Requirements for candidates:**

- Every professional who has an attorney licence, as well as individual or associate law firm and national or international law firm, having the right to represent the clients before the Arbitration Institute of the Stockholm Chamber of Commerce can participate in the selection;
- the foreign law firms or attorneys can participate in the selection only in partnership with attorneys or law firms from the Republic of Moldova;
- the candidates must have an attorney license and the right to plead before the Arbitration Institute of the Stockholm Chamber of Commerce;
- must have experience of representing clients before international arbitral courts;
- must have experience in working with international arbitration law;
- to submit a statement on their own liability regarding the absence of affiliation and conflicts of interests with the parties involved in the litigation and the shareholders whose shares were blocked by the National Bank.
- must have participated as a legal representative at least one time within the last 5 years before the arbitral court in a case related to investment area.

### **III. Offer evaluation.**

Offers will be evaluated confidentially and the offer which will prove to meet the established evaluation criteria and will be the most advantageous, both from a technical and economical point of view, will be selected.

For the evaluation of offers the following advantages of the candidate will be taken into account:

- experience as an attorney of at least 10 years;
- having won at least a case before the Arbitration Institute of the Stockholm Chamber of Commerce or any other Permanent Court of International Arbitration from European Union within the last 5 years;

- having participated as a legal representative within the last 5 years in the international investment disputes settlement before the Arbitration Institute of the Stockholm Chamber of Commerce or any other Permanent Court of International Arbitration from European Union.

#### **IV. General requirements on legal services:**

- advising the Government of Republic of Moldova in the case Evrobalt LLC vs. Republic of Moldova and Kompozit LLC vs. Republic of Moldova, pending before the Arbitration Institute of the Stockholm Chamber of Commerce;
- analyzing the materials of the case, the legal framework, and identifying relevant solutions for an efficient representation before the Arbitration Institute of the Stockholm Chamber of Commerce;
- acting as the legal representative of the Government of the Republic of Moldova, in the abovementioned case, before the Arbitration Institute of the Stockholm Chamber of Commerce;
- drafting and preparing all procedural documents required for the most diligent representation in this case, before the Arbitration Institute of the Stockholm Chamber of Commerce;
- consulting with the government of the Republic of Moldova on all measures to be taken and on the defense strategy to be applied;
- informing the government about the evolution of the trial, after each court hearing or procedural action related to the case;
- representing with maximum diligence the government of Republic of Moldova in the arbitral procedure before the Arbitration Institute of the Stockholm Chamber of Commerce.

#### **V. Documents necessary for the selection.**

The candidates must submit to the Committee the original or the notarized copy of the following documents, drafted in the state language of Republic of Moldova or translated, in the manner established by law:

*a)* letter of intention addressed to the Committee;

*b)* documents proving the capacity of practicing law:

- for lawyers/individual and associate law firms from the Republic of Moldova - copy of the identity card, attorney license of the individual candidate or of the members of the associate law firm and the Fiscal Code Certificate issued by local fiscal offices,
- for foreign lawyers/law firms - copies of constitution and registration documents, certification or professional membership documents etc., according to the local legislation of the state of origin;

- c) curriculum vitae of the domestic/foreign lawyer/law firm to be involved in the provision of the representation services, which includes the description of the relevant experience;
- d) description of the history and professional experience of the lawyer/individual or associate law firm;
- e) insurance policy or other documents proving that the foreign lawyer/individual or associate law firm are insured against professional responsibility risks
- f) the price quotation for the requested services indicating the maximum amount that can be charged for the representation of the interests of the Republic of Moldova until the final solution of the case by the Arbitration Institute of the Stockholm Chamber of Commerce.

The total price will include all professional fees and any other additional expenses (such as taxes and fees to be paid according to the legislation in force, for the provision of the services, as well as expenses related to transportation, accommodation and other expenses (if needed)).

The price structure for the services requested shall be presented in a table specifying for each category of team staff estimated total hours, rate/fee per hour, and total estimated price for the services requested.

A second table will include the breakdown for the additional expenses.

Price for the services requested shall be quoted in euro (EUR).

**VI. The following candidates are not eligible for the selection:**

- candidates with an experience of less than 3 years
- candidates who submitted an incomplete package of documents or documents that do not meet the requirements described above.
- candidates who have not submitted the documents package before the deadline indicated in pt.VIII.

**VII. No fee shall be charged for the participation in the selection.**

**VIII. Deadline for the application and registration of the relevant documents is:** July 19, 2016, 09:00 A.M. Documents will be submitted to the following address: Ministry of Justice of the Republic of Moldova, *Republic of Moldova, MD- 2012, Chisinau, 31 August 1989 street, nr. 82, first floor, office 128. Contact person Graur Violeta, phone number +(373 22) 201-431, e-mail violeta.graur@justice.gov.md.*

The offers will be submitted in a sealed envelope by post or by courier to the address indicated above. The following information will be written/printed on the envelope:

**Name of the participant “ \_\_\_\_\_ ”**

**“Participation in the selection for the representation of the interests of the Republic of Moldova.**

**Do not open before 10:00 A.M., July 19, 2016. To be opened only by the Selection Committee.”**

**IX.** The offer shall be valid for 60 (sixty) days starting from the offer presentation deadline.

**Chairman of the sitting,  
Deputy Minister of Justice,  
Chairman of the Committee**

**Nicolae EȘANU**

**Secretary of the Committee**

**Andrian FETESCU**