

**The Ministry of Justice announces**  
**the organization and conduct of the selection of a lawyer(s) and/or office(s) of lawyers, including**  
**foreign lawyers/offices of lawyers, for representing the interests of the Government of Republic of**  
**Moldova in foreign court proceedings**

In accordance with the requirements of the **Government's Decision no. 764 of 12 October 2012** *on the representation of the State's interests before the national and international courts and arbitration tribunals* (published on 19.10.2012 in the Official Gazette, no. 216-220) and of the Order of the Minister of Justice no. 239 of 16 September 2019 on organization and conduct of the selection of the State's representatives in international arbitration tribunal(s) and nomination of the members of the Governmental Committee for the selection of such representative(s) (hereinafter "**the Committee**") in the action lodged by LLC Energoalliance (Ukraine) versus the Republic of Moldova on the recognition and enforcement of the *ad hoc* arbitration award (Paris, France) of 25 October 2013 on the territory of the United States of America.

On 23 August 2019, the United States District Court for the District of Columbia admitted the request lodged by LLC Energoalliance and recognized the *ad hoc* arbitration award (Paris, France) of 25 October 2013 on the territory of the United States of America. This *ad hoc* arbitration award ordered the Republic of Moldova to pay from the State budget, in the benefit of LLC Energoalliance (Ukraine), the sums of MDL 195 547 212 for the applicant company's investments, MDL 357 917 008 as interest on the sum of MDL 195 547 212 for the period until 31 May 2012, MDL 39 417 175 as interest on the sum of MDL 195 547 212 for the period between 1 June 2012 and 25 October 2013, USD 200 000 for legal costs and expenses, as well as USD 340 000 for the arbitration costs incurred by the applicant company.

Disagreeing with the respective decision, on 30 August 2019 the State representative in the first court lodged an unmotivated appeal before the United States Court of Appeals for the District of Columbia Circuit.

#### **I. Time and place of the selection**

The selection will be conducted by the disclosure of the offers, at the Ministry of Justice headquarters, MD-2012, 31 August 1989 Street, no. 82, of. 204, Chişinău, on 3 October 2019, at 15:30. The participants at the selection have the right to assist at the disclosure of the offers.

#### **II. Requirements for the candidates.**

- Every person who holds an attorney license, as well as individual or associated offices, or local or foreign law firms that have the necessary qualifications and professional abilities and the right to plead and to act on behalf of the clients before the courts of law in the United States can participate at the selection.

-The foreign law firms or attorneys must participate at the selection only in partnership with local attorneys/law firms or associated attorney offices.

- Candidates must have relevant experience in representation of the State before international courts of law or arbitration tribunals.

- Candidates must have participated at least one time as a representative in a similar case.

- Candidates must have a good knowledge of the working language of the court in which the dispute is to be examined.

### **III. Assessment of offers**

The offers will be assessed confidentially. The attorney/law firm whose criteria will meet all the requirements and whose offer will be the most advantageous from a technical and economic point of view shall be selected.

When assessing the offers, the following advantages shall be considered:

- The experience in the position of attorney of at least 5 years.
- The candidate won the case as the representative of the party of the dispute before international courts or permanent arbitral institutions in the United States in the last 5 years.
- The candidate participated before as representative in litigations concerning State's liability
- The candidate participated in cases concerning recognition and enforcement of foreign judgements or arbitration awards etc.

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

-Advising the Republic of Moldova in the case of LLC Energoalliance (United States Court of Appeals for the District of Columbia Circuit) against the Republic of Moldova, pending before the United States Court of Appeals for the District of Columbia Circuit.

-Analyzing the materials of the case, the relevant national and international legislation, as well as the relevant case law, and finding the relevant solutions for an effective representation before the United States Court of Appeals for the District of Columbia Circuit.

- Representing the Government of Republic of Moldova in the mentioned-above case, pending before the courts of law of the United States of America.

-Drafting, preparing and submitting all procedural documents that are necessary for this case, with maximum diligence.

-Consulting, in advance with the Republic of Moldova, all the motions that are going to be submitted, as well as the defense strategy.

-Informing the Government about the evolution of the case after each court hearing and procedural action.

- Acting with maximum diligence when representing the Government of the Republic of Moldova before the United States Court of Appeals for the District of Columbia Circuit.

- Challenging the judgement in the superior courts and representing the State in the proceedings thereof, as the case may be.

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

The package of documents lodged at the Selection Committee shall include the following documents, in original or authenticated in accordance with the law, drafted in the national language of the Republic of Moldova or translated in the manner established by law:

- a) letter of intention for the attention of the Committee

b) documents that prove the legal capacity for practicing law:

-for national lawyer(s)/office(s) of lawyers from the Republic of Moldova: copies of identity act(s), lawyer's license and/or of the office members' licenses and copy of Fiscal Code Certificate issued by local fiscal offices:

-for foreign lawyer(s)/office(s) of lawyers: copies of registration, constituent acts or other attestations, professional membership acts etc., according to the local legislation of the host state.

c) Curriculum Vitae of the national/foreign lawyer(s)/office(s) of lawyers that will be involved in rendering the representation services, with the a description of the relevant professional experience of the local or foreign office of lawyers/associated office.

d) The relevant documents confirming that the local/foreign lawyer or associated law firm/foreign law firm holds a professional liability insurance.

e) The offer, which shall include legal costs calculated in Dollars (USD), the maximum amount that can be requested for the fulfillment of all necessary and useful acts for the purpose of representing the interests of the Republic of Moldova, until the final settlement of the current case in all the courts of law of the United States of America.

f) The offer shall separately include the representation of the interests of the Republic of Moldova before the United States Court of Appeals for the District of Columbia Circuit, and, respectively, the challenge of the judgement at the higher court and the representation of the Republic of Moldova in the proceedings thereof, as the case may be.

The total price of the offer shall include both attorney's fees and additional costs (e.g. all the taxes in accordance with the current legislation, for the purpose of performance of legal services, including travel costs, hotels and other justified costs) (as the case may be).

The price structure for the legal services shall be presented in a table nominating each member of the working team, the estimated number of working hours / the fees per hour, and the total amount estimated for legal services.

The price for the current services shall be shown in dollars (USD).

#### **VI. The following candidates will be not inscribed into the selection proceedings**

- those having a legal experience of less than 3 years;

- those who submitted an incomplete package of required documents or whose documents do not fulfill the above requirements.

- those who have not submitted the package of required documents before the deadline established at p. VIII

#### **VII. The candidates are not required to pay the participation fee.**

**VIII. The deadline for receiving and registering the relevant documents is 3 October 2019, at 15:00**, at the Ministry of Justice headquarters: *31 August 1989 Street, no. 82, MD-2012, at the first floor, off. 128 (secretary). Phone: 0-22 201-431. Contact person is Constantin CACHIȚA. e-mail [constantin.cachita@justice.gov.md](mailto:constantin.cachita@justice.gov.md), Olga Groza, e-mail: [olga.groza@justice.gov.md](mailto:olga.groza@justice.gov.md).*

The offers shall be submitted in a sealed envelope, either by courier or by post services, at the address and within the deadline indicated above.

Name of the candidate " \_\_\_\_\_ "

**“Participation at the selection for representing the interests of the Republic of Moldova (LLC Energoalliance)**

**To not be opened until 3 October 2019, 15:30 (local time). To be opened by the Selection Committee only.”**

**IX.** The offer shall be available for 60 days, starting from the deadline mentioned above.

**State Secretary,  
Chairman of the Committee**

**Veronica MIHAILOV-MORARU**

**Secretary of the Committee**

**Olga GROZA**