

## Announcement

### As to beginning of the selection procedure for lawyer(s) and/or office(s) of lawyers , including foreign lawyers , for representing the interests of the Government of Republic of Moldova in the foreign court proceedings.

Following the requirements of the **Government's Decision no.764 of 12 October 2012** *on the representation of the state's interests before the domestic courts and before the national and international arbitral tribunals* (published on 19.10.2012 in the Official Gazzete, nr.216-220), as well as according to the Minister of Justice Orders no. 76 as of 9 February 2017, as to the initiation of the proceedings for the selection of the state's representative(s) in international arbitral tribunal(s) and nomination of the members of the Governmental Committee for the selection of such a representative(s) (hereinafter "**the Committee**") concerning the claim submitted by Gater Assets Limited (United States District Court Southern District of New York) against the Republic of Moldova, JSC "Gazsnabtranzit" and JSC "Moldovagaz" regarding the recognition and enforcement of the arbitral award dated 12 November 1998 of the Arbitral institute of the Chamber of commerce of Russian Federation, on the United States of America territory. (hereinafter the "**Dispute**").

On 2 June 2016, *Gater Assets Limited* a limited liability company organized under the laws of the Virgin Islands, commenced a litigation against the Republic of Moldova before United States District Court Southern District of New York, requesting the renewal of the judgement as of 14 July 2000 by which was disposed the payment of the prejudice and of the penalties by Republic of Moldova, JSC "Gazsnabtranzit" and JSC "Moldovagaz" to Gater Assets Limited.

The entire dispute concerns the renewal of the judgement dated 14 July 2000 of the District Court Southern District of New York, following to the arbitration managed by Arbitral institute of the Chamber of commerce of Russian Federation based in Moscow relying on the arbitration clause.

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

The selection will be conducted at the Minister of Justice headquarter, MD-2012, 31 August 1989 str, no.82, off.216, Chişinău, on 10 January 2018, at 08:30. The participants at the selection have the right to assist at the disclosure of the offers.

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

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

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

- has the relevant experience in representation of the state before international courts.

-has the necessary experience in the international disputes resolution.

-to had been participated at least one time, in the last five years, within a similar case

-The candidates must fluently speak the working language of the court in which the dispute is examined.

### **III. During the selection, the Committee will take into account**

The offers will be assessed confidentially, and the selected attorney/law firm will be whose criteria will meet all the requirements, and offer will be the mostly advantageous from technic and economic point of view.

At the assessment of the offers the Committee will take into account:

- The experience as attorney which has to be at least 5 years.
- Has won the case as representative of the party of the dispute before international court or arbitral institutions in United States in the last 5 years.
- Has participated as representative before in the litigations concerning the state's liability
- Has participated in the cases concerning the state immunity.
- Has participated in the cases concerning the recognition and enforcement of the foreign judgements, arbitral awards etc.

### **IV. The general requirements on legal services.**

-Advising Moldova in the procedure of Gater Assets Limited (United States District Court Southern District of New York) against the Republic of Moldova, JSC "Gazsnabtranzit" and JSC "Moldovagaz" pending at United States District Court Southern District of New York

-Analyzing the materials of the case, the legal national and international framework, as well as relevant case law, and founding of the relevant solutions for properly representation before United States District Court Southern District of New York

- Representing the Government of Republic of Moldova on the mentioned-above case, before United States District Court Southern District of New York.

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

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

-Informing the government about the evolution of the trial, after each court hearing or procedural action.

-To act with maximum diligence for representing the Government of Republic of Moldova United States District Court Southern District of New York

- To challenge the judgement in the superior courts.

### **V. The list of documents necessary for the selection.**

The package of documents lodged at the Committee, must have the following documents in original, drafted in national language of Republic of Moldova or translated in the manner established by law.

a) intention letter for the attention of the Committee

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

-for national lawyer(s)/office(s) of lawyers from 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 or constituent acts, or else 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 include general description and professional experience

d) The legal background of the professional experience of the law firm/ associated law firm either local or foreign firm.

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

f) The offer which includes legal costs will be calculated in Dollars (USD), the maximum amount for legal services which must include all the legal activities, drafting all the relevant documents, requests, statements and other staff, at the each procedural step for the purpose of solving the current issue, until the finalizing of the current case.

g) The offer will include separately the representation of the interests of Republic of Moldova before The United States District Court for the Southern District of New York, and the challenge of the judgement at the higher court

The offer price will include both attorney's fees and supplementary costs (e.g. all the taxes in accordance with the current legislation, for the purpose of performance of legal services, including the travel costs, hotels and other costs)

The price structure for the legal services must be presented in a table which shows for each member of the working staff the estimated numbers of working hours / its fees per hour, and the total amount estimated for the legal services.

The amount for the additional outlays will be shown in a separate table.

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

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

-with a legal experience less than 3 years;

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

-who did not submit the package of the required documents before the deadline stated at the p.VIII

**VII. The candidates don't have to pay the participation fee.**

**VIII. Deadline for the application and registration the relevant documents is 10 January 2018, at 08:30**, at the Ministry of Justice headquarter: *31 August 1989 str. No.82, MD-2012, at the first floor, off.128 (secretary). Phone:0-22 201-407. Contact person is Constantin Cachița. [constantin.cachița@justice.gov.md](mailto:constantin.cachița@justice.gov.md).*

The offers will 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 Republic of Moldova**

**To not be opened until 10 January 2018, 08:30. To be opened by Selection Committee only**

**IX.** The offer will be available for 60 days from the deadline mentioned above.

**X.** The Commission has the right to end the process of selecting and appointing the winner until the moment the contract is signed.

**Secretary of state,  
Chairman of the Committee**

**Nicolae EȘANU**

**Secretary of the Committee**

**Sorin OLARU**