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MINISTRY OF JUSTICE

REPUBLIC OF MOLDOVA

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03.07.2025 The Ministry of Justice announces a call for participation in a competition for the selection of a law firm/law firm associates, including foreign lawyers/foreign law firms, in order to represent the interests of the Republic of Moldova

In accordance with the Regulation approved by the Government Decision no.764/2012 on the representation of state interests in national and international courts and arbitration institutions (published on 19.10.2012 in the Official Gazette of the Republic of Moldova, no.216-220), and in accordance with the Order of the Minister of Justice no.180 of 12 June 2025 on the organisation and conduct of the competition for the selection of the law firm or associated office of lawyers, in order to represent the interests of the Republic of Moldova in the international investment arbitration proceedings filed at the claim of 'Park Avenue Capital' LLC at the International Centre for Settlement of Investment Disputes (ICSID), The Selection Committee announces this competition under the following conditions.

General information about the case is summarized as follows

On the 2nd of December 2002, „MoldData”, as the national registrar of the top-level domain „.md” and „GI-Marketing” LLC, a company registered in accordance with the legislation of the Republic of Moldova, entered into the Contract on the marketing of sub-domain name services on the Internet using the top-level domain „.md” of the 2nd of December 2002 (hereinafter referred to as the Contract). The object of the Contract was the granting of GI-Marketing LLC the exclusive right to create, register, commercialise, maintain, etc. sub-domain names of the „.md” ccTLD top level domain to all customers from North

America, Latin America, Australia, and any other English and Spanish speaking countries.

On 23 April 2003, "GI-Marketing" SRL signed with the non-resident company „Park Avenue Capital" LLC a contract of assignement of the Contract concluded with „MoldData", pursuant to which it transferred, transmitted, assigned and settled all rights, titles, interests and obligations it held in favour of „Park Avenue Capital" LLC.

On 26 July 2006, „MoldData" and „Park Avenue Capital" LLC signed an Agreement whereby the parties established direct legal relations and agreed that the terms of the Marketing Contract and amendments thereto shall be binding on the parties. The Agreement also established a clause according to which the parties may initiate arbitration proceedings in Switzerland, in which the other party will also participate.

On 2 September 2019, following the absorbtion of „MoldData", the Information Technology and Cyber Security Service (ITsec) became the successor to the rights and obligations of „MoldData".

According to the Marketing Agreement dated on the 2 nd of December 2002, its term was fixed until the 20th anniversary of the date of its entry into force (one anniversary = 1 year), which shall be extended for an additional period of 20 years upon expiry of the initial term, with such modifications and amendments, if any, as the parties may mutually agree.

On 10 February 2023, following the expiration of the 20-year term and the Prior Notice of Termination of the 2002 Marketing Agreement, ITsec ceased Park Avenue Capital LLC's access to the services of registration, re-

registration, transfer and revocation of subdomain names in the „.md” domain. On 11 October 2024, ITsec has received through the Chisinau Court, headquarters Office, the order of the Court of Appeal of the Canton of Zurich regarding the appointment of an arbitrator for ITsec (Art. 179 para. (4) of the Federal Act on Swiss Private International Law CPIL) as well as the designation of a correspondence address in Switzerland, which is authorised to receive legal dispatches addressed to it, in case of contract the dispatches will be made in the future by publication, in accordance with Art. 141 para. 1 lit. c) Swiss Code of Civil Procedure. ITsec has designated the address for correspondence and subsequently, the lawyer representing ITsec 's interests, has filed pleadings (reference) with the Court of Appeal of the Canton of Zurich. On 10 March 2025, Park Avenue Capital LLC withdrew its request for the appointment of an arbitrator for ITsec by the Court of Appeal of the Canton of Zurich (Switzerland), which it had submitted on 10 October 2023. Accordingly, the Court of Appeal of the Canton of Zurich (Switzerland) issued its decision on 18 March 2025, thereby terminating the proceedings related to the withdrawal of the request.

On 15 May 2025, the International Centre for Settlement of Investment Disputes (ICSID) notified the Republic of Moldova of the receipt of the Request for Arbitration filed by „Park Avenue Capital” LLC against the Republic of Moldova, pursuant to Article VI of the Agreement between the Republic of Moldova and the United States of America on the Promotion and Reciprocal Protection of Investments of 21.04.1993. According to the claim, Park Avenue Capital alleges that the Republic of Moldova has violated several

provisions of the Agreement, the violations include, but are not limited to: (i) failure to accord fair and equitable treatment at all times (Article II(3)(a)); (ii) unlawful expropriation without prompt and adequate compensation (Article III(1)); and (iii) failure to ensure that state enterprises act in conformity with treaty obligations when exercising regulatory, administrative or other governmental powers delegated by Moldova (Article II(2)(b)-(c))".

I. Date, time and venue of the competition.

The competition will take place through the opening bids on the premises of the Ministry of Justice of the Republic of Moldova.

Date and time: **18 July 2025, 10:00 AM**

Venue: **31 August 1989 St. 82, room 104, MD-2012, Chişinău**

Participants or their representatives are entitled to participate in the opening of tenders.

II. Requirements for candidate(s):

- any natural person holding a lawyer's licence, as well as legal persons - national or foreign law firms, that have the necessary professional qualifications and skills and who are entitled to practice as a lawyer, to plead and act on behalf of their clients and to represent them in international arbitration institutions, may participate in the competition;
- in the case of foreign lawyers/foreign law firms, it is mandatory that they take part in the competition in partnership with law firms/associate law firms of lawyers from the Republic of Moldova;

- has experience representing and applying ICSID rules before international arbitration institutions;
- has experience in international arbitration rules;
- C1 level knowledge of English.

III. Examination of the offers.

The bids will be examined confidentially, and the winning bid will be designated that one which will satisfy the evaluation criteria and will be the most advantageous from a economic point of view.

The following advantages will be considered when assessing the offers of the candidate(s):

- having prevailed as a representative at the International Centre for Settlement of Investment Disputes in Washington (the USA) or another permanent institution of international arbitration in the last five years;
- having participated as a representative in the settlement of international investment disputes at the International Centre for Settlement of Investment Disputes in Washington (the USA) or other permanent institution of international arbitration in the last five years.

IV. General requirements for service provision:

- advising the Republic of Moldova in Park Avenue Capital LLC vs. Republic of Moldova case, pending before the International Centre for Settlement of Investment Disputes (ICSID);

- analyzing the materials of the case, the legal framework, and identifying the relevant solutions for an efficient representation before the International Centre for Settlement of Investment Disputes (ICSID);
- representing the Government of Republic of Moldova in the above-mentioned case, pending before the International Centre for Settlement of Investment Disputes (ICSID);
- 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 and pleadings to be submitted, as well as the defense strategy;
- informing the Government about the evolution of the case after each hearing and procedural action; and
- acting with maximum diligence when representing the Government of the Republic of Moldova before the International Centre for Settlement of Investment Disputes (ICSID).

V. List of documents for participation in the competition:

The document set for participation in the competition, addressed to the Selection Committee, must include the following documents, in original or authenticated form as required by law, drawn up in Romanian or translated in accordance with the legal requirements:

- a)** a signed application to participate in the competition addressed to the Selection Committee;
- b)** documents proving the ability to carry out professional activities:

1. **For law offices/associate law firms in the Republic of Moldova:** copies of the identity card, lawyer's license, and/or those of the associate law firm members, and the tax code certificate issued by the tax authority where the office has declared its location.
2. **For foreign lawyers/foreign law firms (in the case of consortia):**
 - Proof of partnership with a law office/associate law firm from the Republic of Moldova;
- c) Curriculum vitae (CV) of the foreign lawyer/members of the law firm involved in providing representation services, including relevant experience;
- d) Proof of the knowledge of the English language – C1 level;
- e) Declaration of non-affiliation and conflict of interest with the parties involved in the dispute;
- f) Documents proving that the foreign lawyer/associate law firm/foreign law firm holds valid professional liability insurance;
- g) Price offer for the services to be provided, indicating the maximum amount (in EUR) that can be requested for all necessary and useful actions in representing the interests of the Republic of Moldova until the final settlement of the arbitration case;
- h) Offers and accompanying documents translated into Romanian by authorized translation or sworn statement (in the case of consortia);
- i) The offers and accompanying documents translated into Romanian through certified translation/under own responsibility (in the case of consortia);

The total price, presented in a table, will include both the size of the fees and the value of additional expenses (such as taxes and duties in accordance with the applicable legislation, transportation costs, accommodation, and any other potential expenses);

The price structure for additional expenses will be presented separately in another table.

VI. Candidates will not be admitted to participate in the competition if:

- they have less than 3 years of experience in the legal profession;
- they have not submitted the complete set of required documents or have not submitted them in accordance with the established requirements;
- they have not submitted the set of participation documents within the deadline established in point VII.

VII. Deadline for receipt and registration of documents related to the dispute: 18 July 2025, 09:00 AM, at the following address: Ministry of Justice of the Republic of Moldova: MD – 2012, Chişinău, 31 August 1989 Street, No. 82, Floor 1, Office 128 (Chancellery), Tel. + (373 22) 201-431.

Contact Person: Alina GHEȚIU, Secretary of the Selection Committee, Tel. (022) 20-14-14, Email: alina.ghetiu@justice.gov.md

Offers and documents should be submitted in a sealed envelope to the indicated address and within the specified deadline. The envelope should be marked with:

Participant name “_____”

Participation in the competition for representing the interests of the Republic of Moldova.

Do not open until 10:00 AM, Chişinău time, 18 July 2025. To be opened only by the Selection Committee.

VIII. The validity period of the tender shall be 60 (sixty) days from the closing date for the submission of the tender.

IX. The contract for the representation of the interests of the Republic of Moldova concluded under the terms of this competition will stipulate the jurisdiction clause, according to which the examination of disputes that may arise in connection with the representation of the interests of the Republic of Moldova will be the competence of the courts of the Republic of Moldova, according to its legislation in force.



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