

The Ministry of Finance has received a number of questions regarding the procedure for conclusion of framework agreements for procedural representation and legal advice. The Ministry of Finance provides answers below each question.

**1. Does a law firm meet the participation criteria if it puts forward 1 partner with 10 cases, or 1 partner with 5 cases plus 2 or more partners with the other 5 cases?**

The tender documentation clearly provides that “law firms are allowed to participate only with three partners.”, i.e. two partners for investment arbitration and one for commercial arbitration. It further provides that for investment arbitration “each of the partners must have been a lead counsel in at least 5 (five) successfully concluded investment cases in 2 (two) of which he/she must have represented a state.” Consequently, the requirements are not satisfied if just one partner has 10 and more cases. Similarly, the requirements are not satisfied if one partner has 5 or more cases, and other two or more partners jointly have other 5 cases.

**2. How a successfully concluded case is defined?**

A successfully concluded case is a case where, if the counsel acted for the claimant, all claims were granted and the full amount of damages was awarded, and, if the counsel acted for the respondent, all claims were rejected and the full amount of damages was denied.

However, the Ministry of Finance would also consider a case to be a successfully concluded case in the following circumstances:

- b) if the counsel acted for the claimant, the predominant part of the claims was granted and a substantial part of the claimed damages was awarded.
- a) if the counsel acted for a respondent, the predominant part of the claims was rejected and/or the amount of the claimed damages was significantly reduced.

In support, the law firm tenderer should provide the award or relevant excerpts thereof and an explanation why it considers the case to be a significant success.

**3. Do the rules envisage personal meetings with the participants?**

The rules of the tender procedure do not envisage personal meetings between the Ministry of Finance and the participants in the framework and for the purpose of the procedure.