



**Doamnei Maia Sandu
Președinta Republicii Moldova**

SCRISOARE PUBLICĂ

11.10.2024

Stimată Doamnă Președintă

Vă adresăm acest demers public în contextul recentei scrisori¹ transmise în adresa Dumneavoastră de către avocații noștri internaționali, cu privire la încălcările fără precedent comise cu implicarea BERD, în raport cu activele și drepturile Bemol legate de Danube Logistics SRL (Portul Giurgiulești), care subminează supremația legii și Constituția Republicii Moldova.

Toate instituțiile statului cunosc despre faptul că instanțele din Olanda și Republica Moldova au confirmat prin decizii definitive cerințele legitime ale Bemol. În detrimentul drepturilor noastre legale, Guvernul, acționând în interesul unui grup infracțional² și al BERD, în zilele următoare intenționează să modifice documentele fundamentale care stabilesc drepturile, inclusiv Acordul de Investiții (ratificat de Parlament), cu scopul de a împiedica executarea hotărârii judecătorești definitive, obstrucționând procesul de justiție, și penru a transfera ulterior activele către compania Emitel Investments FZE din Dubai, care are legături cu oficiali din Guvern (coordonată printr-o companie locală Tvott și un cetățean olandez, dl Otto).

Într-o declarație publică, Dumneavoastră ați menționat că "... există în continuare un litigiu care trebuie de clarificat pe portul de la Giurgiulești".³ În contradicție cu afirmațiile menționate, în zilele următoare Guvernul intenționează să comită încă o ilegalitate gravă, care nu este fără interes. În consecință, responsabilitatea pentru toate ilegalitățile și inclusiv despăgubirea prejudiciului cauzat va reveni statului Republica Moldova.

Stimată Doamnă Președintă,

Suntem nevoiți să ne adresăm Dumneavoastră în acest moment sensibil din cauza situației critice impuse de Guvern.

Vă rugăm să interveniți în calitate de garant al Constituției Republicii Moldova, pentru a preveni comiterea unei noi ilegalități și pentru a evita atragerea țării noastre la răspundere pentru toate fraudele anterioare și multiplele acțiuni ilegale.

**Cu respect,
BEMOL**

¹ Anexe: scrisoarea adresată Președintei Republicii Moldova și răspunsul aparatului Președintelui.

² Anexa: scrisoarea Procuraturii pentru Combaterea Criminalității Organizate și Cauze Speciale.

³ Declarația Președintei Maia Sandu privind portul Giurgiulești - <https://www.mold-street.com/?go=news&n=17021>



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Matthew Oresman
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27 September 2024

Via Email to cancelaria@prm.md
and via Courier

H.E. Maia Sandu
President
Republic of Moldova
164 Stephen the Great Boulevard
Chişinău, Moldova

Your Excellency,

I hope this letter finds you well. I am writing regarding an urgent matter related to the International Free Port Giurgiulesti.

My law firm, Pillsbury Winthrop Shaw Pittman LLP, represents Bemol Retail SRL ("Bemol Retail", formerly Azpetrol S.R.L). We have been instructed by Bemol Retail to undertake a factual investigation into the failure by Mr. Thomas Moser to comply with the final judgment of the Moldovan Court of Appeal dated 12 November 2018 (the "Recovery Judgment") in which he was ordered to pay a total of 178.389.910 MDL to Bemol Retail for frauds and inefficient administration of the company when it was under his control.

Our investigation included an analysis of whether Mr. Moser, and/or individuals from the European Bank for Reconstruction and Development ("EBRD") have obstructed justice in blocking the enforcement of this judgment against Danube Logistics SRL ("Danube Moldova"), the company that owns and operates the International Free Port Giurgiulesti on the Danube River in Moldova (the "Port").

Based on our review of the underlying material, there are serious concerns about the conduct of Mr. Moser and the EBRD and the circumstances by which the EBRD acquired Danube Moldova from Mr. Moser in 2021. A summary of our findings is below. As you will see, these findings highlight serious wrongdoing undermining the rule of law in the Republic of Moldova and our client's quest for justice.

We note that the Port is of strategic significance to the Republic of Moldova and have seen several reports suggesting that the Government of Romania has recently approved the commencement of negotiations with Danube Moldova and the EBRD to acquire a major stake in the Port. The EBRD is also, we understand, in negotiations with other potential investors from Romania, Turkey, the Netherlands and Denmark. We have also seen other reports of planned actions by the Republic of Moldova and/or the EBRD that would change the status of the Port and/or its assets in other ways that would effectively undermine Bemol Retail's legal rights and/or its ability to collect on the Recovery Judgment.

The members of Pillsbury Winthrop Shaw Pittman LLP are either solicitors or registered foreign lawyers. A full list of members and their professional qualifications is open for inspection at the following address – Level 34, 100 Bishopsgate, London EC2N 4AG, England. The firm is authorised and regulated by the Solicitors Regulation Authority (SRA No. 372061) and registered in England and Wales under No. OC303330. The firm's VAT registration number is GB805 4725 36.

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This is clearly of great concern to our client given that Danube Moldova remains subject to enforcement action to satisfy the Recovery Judgment, and that judgment debt remains unsatisfied.

Bemol Retail therefore invites your Excellency to raise our concerns with the relevant ministers involved in the proposed transaction, including ministers from the Ministry of Infrastructure and Regional Development and the Ministry of Economic Development and Digitalization, to ensure that the transaction does not frustrate the legal entitlement of Bemol Retail under the Recovery Judgment and associated enforcement orders.

We would also invite the opportunity to discuss this matter with you or your designated officials to determine how best the Republic of Moldova might achieve its goals of developing the Port, while also ensuring the Recovery Judgment is fully implemented.

A summary of our findings is as follows:

1. In 2011, during his tenure as controller of the EasEur group on behalf of Mr. Rafiq Aliyev, Mr. Thomas Moser organized the sale of Danube Moldova, the group company that owned and operated the Port, to a company ultimately owned by himself. Although it is not a matter under investigation in our report, extensive evidence suggests Mr. Moser abused his position as controller of EasEur to mismanage the assets, to the particular financial detriment of Bemol Retail, another entity within the group. This allowed Mr. Moser to orchestrate his acquisition of the Port, with assistance of individuals from his former employer, the EBRD.
2. In the Recovery Judgment, the Moldovan Court of Appeal upheld a ruling which found Mr. Moser (and another individual, Ms Aydov) liable to pay a total of 178.389.910 MDL (approximately USD 10 million) to Bemol Retail for "frauds and inefficient administration" of the company when it was under his control. This judgment remains legally binding.
3. All routes of legal challenge against the Recovery Judgment in Moldova have been exhausted, unsuccessfully. We understand there remains no further bar to enforcement of the Recovery Judgment. Furthermore, we have not seen any evidence that suggests these Moldovan court proceedings were unfair or otherwise improper.
4. Mr. Moser has deliberately failed to meet the debt he owes by virtue of the Recovery Judgment. Bemol Retail has since sought, and obtained, enforcement orders against Mr. Moser's remaining assets in Moldova, including via the funds due to him and fruits generated through his ownership of Danube Moldova (both current and future). The debt remains unsatisfied however, because Mr. Moser has knowingly placed himself out of the jurisdiction and has taken steps to transfer assets, including the Port, away from his ownership and out of reach of the Moldovan authorities, to the detriment of Bemol Retail.
5. The EBRD, who claimed to have a beneficial interest in Danube Moldova, has taken all opportunities to challenge enforcement of the Recovery Judgment as against Danube Moldova through the courts in Moldova and the Netherlands. All legal challenges have failed and all routes of appeal have been exhausted. We have not seen any evidence that suggests these Moldovan court proceedings were corrupt, unfair or otherwise improper. The EBRD's criticisms therefore appear to be without credible foundation and demonstrate a lack of respect for the rule of law.
6. There is substantial evidence that the EBRD colluded with Mr. Moser to evade enforcement of the Recovery Judgment. In addition, as further evidence of this

coordinated effort to prevent the execution of a lawful judgment, the EBRD attempted to change the law in Moldova in a way that would prevent enforcement of the Recovery Judgment against companies of which Mr. Moser was the Ultimate Beneficial Owner. That attempt was unsuccessful, and the amendment was rejected.


7. On 7 May 2021, the EBRD acquired the Danube group of entities and therefore the Port from Mr. Moser via a Cypriot holding company. This acquisition appears to be a deliberate attempt to undermine justice and to move the assets out of reach of Moldovan authorities seeking to enforce the Recovery Judgment.
8. The EBRD's intention of subverting enforcement of the Recovery Judgment is obvious from the fact that immediately following the 2021 acquisition, the EBRD requested for the enforcement orders against Danube Moldova to be cancelled or repealed due to the fact that Mr. Moser was no longer part of the beneficial ownership of the company. The EBRD pursued litigation in Moldova to establish the validity of its ownership of the company and attempted to use the court's finding to repeat its request to the bailiff in August 2022. The bailiff refused this request in September 2022 and reminded the EBRD that *"it was irrevocably found the legality of the application of the interdictions"* and that *"[t]he facts established by an irrevocable court judgment are not required to be proven again."* The EBRD's appeal against this decision was rejected as "groundless".
9. Prior to the 2021 acquisition, there was a discrepancy in the Register of Pledges in connection with the Danube Group which did not record a pledge in favor of the EBRD that the EBRD claimed was registered in 2013. The EBRD has proffered an explanation that there must have been a technical error when the system was digitized. We have not identified any evidence to corroborate this claim. We also cannot state otherwise as this matter is still under investigation.
10. We understand the Government of Moldova is currently carrying out a criminal investigation into the misappropriation of property by Mr. Moser during his period of entrusted management.

The wrongful actions taken by Mr. Moser and, possibly, the EBRD detailed above, have been to the significant financial detriment of Bemol Retail. The debt owed to Bemol Retail pursuant to the Recovery Judgment remains outstanding notwithstanding orders imposed by the bailiffs to enforce recovery against the assets of Danube Moldova; orders which have been upheld by the Moldovan courts.

Our client is now concerned that the various proposed transactions to take ownership of the Port away from Danube Moldova or otherwise make changes at the Port, may render those enforcement orders meaningless.

We therefore look forward to the opportunity to discuss this matter with you further.

Yours sincerely,



Matthew Oresman
Partner

CC: Odile Renaud-Basso, President, European Bank for Reconstruction and Development, president@ebrd.com



APARATUL PREȘEDINTELUI REPUBLICII MOLDOVA

Bd. Ștefan cel Mare și Sfânt, nr. 154, MD-2073 Chișinău
www.presedinte.md

01 octombrie 2024

Nr. 2/2-12-1231

Cancelaria de Stat

În copie, pentru informare:
Matthew Oresman,
email: matthew.oresman@pillsburylaw.com

Biroul de avocatură Pillsbury Winthrop Shaw Pittman LLP în persoana domnului Matthew ORESMAN, a expediat președintei Maia SANDU un demers prin care prezintă succint rezultatele unei investigații la subiectul Portul Internațional Giurgiulești, realizată la cererea clientului său Bemol Retail SRL.

În conformitate cu art. 74 din Codul administrativ, remitem documentul spre examinare cu rugămintea de a informa petentul și, *în copie*, instituția prezidențială, în termenele prevăzute de legislație.

Anexă: trei file.

Digitally signed by Tonu Lilia
Date: 2024.10.01 15:27:26 EEST
Reason: MoldSign Signature
Location: Moldova

MOLDOVA EUROPEANĂ



Lilia TONU,
Secretar general adjunct

Ex.: Jana Ciolpan, j.ciolpan@prm.md



PROCURATURA REPUBLICII MOLDOVA

PROCURATURA PENTRU COMBATAREA
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06.09.2024 nr. 877/21-9148



Cu referire la solicitarea parvenită în adresa Procuraturii pentru Combaterea Criminalității Organizate și Cauze Speciale (în continuare PCCOCS) la 29.08.2024, Vă aduc la cunoștință că PCCOCS exercită urmărirea penală în cauză penală pornită în temeiul bănuielii rezonabile privind săvârșirea infracțiunii prevăzute de art.42 alin.(3), art.191 alin.(5) din Codul penal, pe faptul că în perioada 2008-2011, urmare a gestionării frauduloase a bunurilor ÎCS „Bemol Retail” SRL, de către membrii unui grup criminal organizat, fiind folosită situația de serviciu, au fost însușite bunurile întreprinderii transmise în administrare, în proporții deosebit de mari.

Respectând confidențialitatea anchetei, Vă informez că în cadrul urmăririi penale au fost realizate un șir acțiuni procesul penale întru investigarea multilaterală a cazului dat, în rezultatul cărora au fost atribuite calitățile corespunzătoare persoanelor culpabile și dispunerea măsurilor ce se impuneau în privința acestora.

Totodată, reieșind din normele legale care reglementează activitatea procurorului, expunerea vizavi de întrebarea formulată sub nr.2, depășește atribuțiile funcționale.

La moment, urmărirea penală este în desfășurarea, la adoptarea unei soluții în conformitate cu prevederile art.291 din Codul de procedură penală, Veți fi informați după caz.

Cu respect,

**Procuror în Procuratura
pentru Combaterea Criminalității
Organizate și Cauze Speciale**

Constantin Popescu