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TRGOVAČKOM SUDU U RIJECI

Posl. Br.: St-386/2021

Stečajni dužnik: CEDAR d.o.o. u stečaju Kastav
Istarska cesta 1
OIB: 17113221373

Ponuditelj: FORESTBROD SRL
Rumunjska
Selo Falcau, općina Brodina, kbr.112A, županija Suceava
Jedinstveni registracijski broj: 15303088
OIB: 83615415595
Broj računa RO42BTRL06104202420474XX koji se vodi kod Banca Transilvania Radauti, SWIFT: BTRLRO22
Koje trgovačko društvo zastupa posebni punomoćnik Dino Španjol Varenina, odvjetnik u Rabu

P O D N E S A K

Nastavno na petu prodaju pokretnina stečajnog dužnika CEDAR d.o.o. u stečaju, provedenu u okviru stečajnog postupka koji se pred Trgovačkim sudom u Rijeci vodi pod posl. br. St-386/2021, uvodno naznačeni ponuditelj putem punomoćnika obavještava Naslovni sud i vjerovnike o tijeku provedene prodaje te o primjedbama na ponude pojedinih ponuditelja.

Ujedno se u prilogu dostavlja e-mail upućen stečajnoj upraviteljici, čiji se sadržaj radi potpunosti iznosi i u nastavku ovog podneska.

Dear Ms Stašić,

After reviewing the minutes and all the submitted bids, on behalf of FORESTBROD SRL, I hereby submit a **formal objection** against:

- the bids submitted by **DRVNA INDUSTRIJA NOVOSELEC, ELDA-DRVO, LIPOVLJANI LIGNUM and DI ČAZMA**, all companies belonging to the Florian Group;
- the bid submitted by **Simon Möhringer Anlagenbau GmbH**.

1. Bids submitted by the Florian Group

All four bids were determined and signed by the same person, **Mr Elvio Florian**. Three companies submitted different prices for exactly the same PAUL CNC machinery:

- **EUR 70,500 – DRVNA INDUSTRIJA NOVOSELEC;**
- **EUR 92,500 – ELDA-DRVO;**
- **EUR 112,000 – LIPOVLJANI LIGNUM.**

At the same time, DI ČAZMA, through the same signatory, submitted a global bid for all the assets.

Therefore, **these were not four independent commercial decisions, but one coordinated strategy carried out through four companies belonging to the same group.**

The Florian Group was able to occupy several positions at the same time in the procedure through three individual bids and one global bid. FORESTBROD and the other good-faith participants took part through only one company and one bidding strategy.

This situation raises serious concerns regarding the equal treatment of the participants and the principle of good faith under:

- **Article 3 of the Croatian Obligations Act**, which provides that the parties to legal obligations are equal;
- **Article 4 of the same Act**, which requires the parties to act conscientiously and in good faith.

In Case **C-538/07, Assitur**, the Court of Justice of the European Union stated **that linked companies may be excluded where specific evidence demonstrates that their bids were not prepared independently.**

In this case, there are specific and documented indications that the bids were not independent:

- the same person determined and signed all four bids, the four bid documents are virtually identical in their appearance, layout, wording and structure, including the letterhead and the presentation of information.
- three companies from the same group submitted three different prices for exactly the same machinery;
- a fourth company from the same group submitted, through the same person, a global

bid for all the assets;

- the group companies occupied several positions at the same time in the same procedure.

We therefore request that **all four Florian Group bids be examined together and excluded as a whole because the documents indicate that they were not based on independent commercial decisions.**

2. Bid submitted by Simon Möhringer Anlagenbau GmbH

The announcement expressly states that **bids below the initial price shall not be considered.**

Furthermore, despite the tender conditions expressly and unambiguously requiring each bidder to **obtain a Croatian Personal Identification Number (OIB)**, Simon Möhringer Anlagenbau GmbH failed to obtain an OIB and consequently **did not indicate an OIB when making the required security deposit payment.**

Accordingly, the submitted bid fails to comply with the tender conditions in **more than one material respect.**

We therefore request the **complete exclusion of the bid submitted by Simon Möhringer Anlagenbau GmbH because it does not comply with the express conditions of the announcement.**

3. Duty of the insolvency administrator to protect the bankruptcy estate

Under **Article 89(1)(9) of the Croatian Insolvency Act**, the insolvency administrator must realise or collect the debtor's assets and rights with the care of a prudent businessperson.

This duty requires not only obtaining the best possible financial result, but also carefully checking whether the bids comply with the rules, whether they are truly independent and whether the participants have been treated equally.

Protecting the bankruptcy estate cannot justify accepting a non-compliant or coordinated bid only because it is presented as a global bid. On the contrary, **the administrator must compare the compliant bids and choose the lawful solution that gives the best financial result for the bankruptcy estate.**

4. Financial effect on the bankruptcy estate

After excluding the contested bids, FORESTBROD remains the bidder with the highest compliant bid for Lots 5, 9 and 10, which should therefore be awarded to FORESTBROD:

- **Lot 5: EUR 76,200 – FORESTBROD;**
- **Lot 9: EUR 112,200 – FORESTBROD;**
- **Lot 10: EUR 61,200 – FORESTBROD.**

These three bids amount to **EUR 249,600.**

Together with the bid of **EUR 75,280** submitted by MONT-GRADNJA for Lot 1, the compliant winning bids for the four lots amount to **EUR 324,880.**

This amount is **EUR 38,300 above the combined initial prices of EUR 286,580** for these four lots.

By accepting DI ČAZMA's global bid without examining the coordination between the Florian Group companies, the bankruptcy estate risks losing **the certain financial advantage of EUR 38,300 already obtained through the compliant bids for these four lots.**

5. Requests of FORESTBROD SRL

For the reasons explained above, we request:

1. **the joint examination and exclusion, as a whole, of the four coordinated bids submitted by the Florian Group companies;**
2. **the exclusion of the bid submitted by Simon Möhringer Anlagenbau GmbH because it does not comply with the conditions of the announcement;**
3. **the award of the lots on the basis of the highest remaining compliant bids.**

Alternatively, if you consider that the rules of the announcement do not allow this situation to be resolved clearly and equally, we request **the cancellation and repetition of the procedure with clear rules regarding related companies, coordinated bids and the comparison between global and individual bids**, even if the cancellation would also affect participants who submitted their bids in good faith and complied with the conditions of the procedure.

If the matters explained above are not taken into account, **we reserve the right to challenge the result of the procedure and to refer the matter to all competent institutions in Croatia, together with further arguments and supporting documents.**

We request a **written and reasoned reply before any decision is made.**

Best regards.

David Melen

General Manager

FORESTBROD SRL

U Rijeci, 17. rujna 2026.

Ponuditelj, p.p.

**Dino
Španjol
Varenina**

Digitally signed
by Dino Španjol
Varenina
Date: 2026.09.17
10:00:14 +02'00'