



Ulica Marijana Čavića 4, Zagreb
Tel:+385 1 24 11 111
Fax:+385 1 61 71 283
e-mail: dalekovod@dalekovod.hr

Zagreb Stock Exchange

Date: 22 July 2013

Title: Dalekovod d.d. – The Commercial Court’s Adjournment of the Court Hearing

On 22 July 2013, the Commercial Court in Zagreb announced the decision whereby the court hearing is adjourned in the Administrative settlement case for the company Dalekovod d.d.

The hearing scheduled for 23 July 2013 at 10 a.m. at the Commercial Court in Zagreb, Amruševa 2/2, hall 100, shall not take place.

Please find enclosed the Commercial Court’s Decision.

Dalekovod d.d.

REPUBLIC OF CROATIA
Commercial Court in Zagreb
Zagreb, Amruševa 2/II

66. Stpn-7/13

R J E Š E N J E

The Commercial court in Zagreb, pursuant to that court's judge Mislav Kolakušić, by acting at the petition of the debtor DALEKOVOD d.d. za inženjering, proizvodnju i izgradnju, Zagreb, Ulica Marijana Čavića 4, business entity no. (MBS):080010093, personal identification number (OIB):47911242222, represented by the members of the Management Board Goran Brajdić, Kuće, Sv. Fabijana 12 and Marko Jurković, Zagreb, Nova cesta 120, represented by the attorneys at law from OD Madirazza & partneri, Zagreb, Masarykova 21, for the purpose of reaching a administrative settlement, on 22 July 2013,

r u l e d a s f o l l o w s

The court hearing scheduled for 23 July 2013 at 10 a.m. at the Commercial Court in Zagreb, Amruševa 2/2, room 100 shall not take place.

Exposition

Pursuant to the Decision of this Court Stpn-7/13 of 22 July 2013, the intermission of the proceedings was established in compliance with the provision of Article 37, paragraph 1 of the Constitutional Act on the Constitutional Court of the Republic of Croatia, for the purpose of presenting a request with the Constitutional Court to review the constitutionality of individual provisions of the Financial Operations and Administrative Settlement Act (Official Gazette number 108/12, 144/12 and 81/13 – hereinafter: ZFPN).

The provision of Article 66, paragraph 14 of ZFPN regulates that rules of legal proceedings before commercial courts are applied in appropriate way in the proceedings before the court.

The provision of Article 114 of the Civil Procedure Act (Official Gazette no. 53/91, 91/92, 112/99, 88/01, 117/03, 88/05, 84/08, 123/08 and 57/11 hereinafter: ZPP) regulates that hearings shall be scheduled by the court when prescribed by law or when it would be required for the purpose of the proceedings and that no appeal shall be permitted against the ruling by which a hearing was scheduled.

The provision of Article 116 of ZPP, inter alia, regulates that the court may adjourn the hearing when there are justified reasons, that no appeal shall be permitted against the ruling on the hearing's adjournment.

Pursuant to the Decision of this Court 66. Stpn-7/13 of 12 July 2013, inter alia; a court hearing was scheduled for the purpose of reaching a administrative settlement against DALEKOVOD d.d. za inženjering, proizvodnju i izgradnju, Zagreb, Ulica Marijana Čavića 4, MBS: 080010093, OIB:47911242222 for 23 July 2013 at 10 a.m., on the premises of the Commercial court in Zagreb, Petrinjska 8, room 100 – yard (front building), the debtor and creditors were invited to the court hearing.

It was furthermore established that the court hearing had been scheduled before the Court acting in the case has determined that all prerequisites were met to reach a administrative settlement from Article 66 of the Act, since the Financial Operations and Administrative Settlement Act regulates the urgent decision making, and that the existence of prerequisites from paragraph II of the enacting clause of the decision shall be determined by the Court no later than by 23 July 2013, when the court hearing for the purpose of reaching a administrative settlement was scheduled for.

When acting in this court proceedings, the judge determined that individual provisions of the Financial Operations and Administrative Settlement Act (Official Gazette number 108/12) and Act on Amendments to the Financial Operations and Administrative Settlement Act (Official Gazette number 144/12 and 81/13 hereinafter ZFPN) are not compliant with the Constitution of the Republic of Croatia, and based on the Decision Stpn-7/13 of 22 July 2013, stopped acting in this court proceedings and determined that within 8 days the Request for compliance assessment of individual provisions of the Financial Operations and Administrative Settlement Act shall be submitted to the Constitutional Court of the Republic of Croatia (Official Gazette number 108/12, 144/12 i 81/13).

The provision of Article 37, paragraph 1 of the Constitutional Act on the Constitutional Court of the Republic of Croatia (Official Gazette number 99/99, 29/02 and 49/02) regulates that if a court of justice in its proceedings determines that the law to be applied, or some of its provisions, are not in accordance with the Constitution, it shall stop the proceedings and present a request with the Constitutional Court to review the constitutionality of the law, or some of its provisions.

The provision of Article 120 of the Constitution of the Republic of Croatia (Official Gazette number 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10) stipulates that the judicial duty shall be vested in judges personally.

Since the court has stopped to act in the case, it was necessary to rule as in the enacting clause of the Decision.

In Zagreb, 22 July 2013

Judge:

Mislav Kolakušić

Instruction on legal remedies:

In compliance with the provision of Article 116, paragraph 3 of the Civil Procedure Act, no legal remedy is permitted against this decision.