



Improvement of the Enforcement system in the Republic of Croatia
Contract Number: 2010-01-23-010101
Twinning Number: HR/10/IB/JH/04



IPA 2010 program Europske unije za Hrvatsku / The European Union's IPA 2010 Programme for Croatia

**Poboljšanje sustava ovrhe
u Republici Hrvatskoj**

**Improvement of the Enforcement system
in the Republic of Croatia**



Mission Report

Preparing workshop materials and organizing at least 4 regional joint workshops with the purpose to present to all stakeholders business processes related to implementation of general information flow protocol



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THE EUROPEAN UNION'S 2010 PROGRAMME

Consortium: Spanish Ministry of Justice/Hungarian Ministry of Justice /Croatian Ministry of Justice/FIIAPP

WORKSHOP REPORT

“Improvement of the Enforcement system in the Republic of Croatia”

Preparing workshop materials and organizing at least 4 workshops for employees of relevant institutions

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GLOSSARY¹

For the purposes of this report, the following terms should be understood as follows:

Contact Point is a person or a department serving as the coordinator or focal point of information concerning an activity or program. A Contact Point is used in many cases where information is time-sensitive and accuracy is important.

Kontaktna točka je osoba ili odjel koji služi kao koordinator ili središnja točka za informacije koje se odnose na neku aktivnosti ili program. Kontaktna točka se koristi u mnogim slučajevima kada su u pitanju informacije osjetljive po pitanju rokova i kod kojih je iznimno važna točnost.

E-Bulletin Board: is a public service free of charge that provides an overview of electronic bulletin boards of the courts and other competent authorities in the Republic of Croatia.

Through the central browser it is possible to search for published decisions and other documents of municipal, county, commercial, misdemeanor and administrative courts in the Republic of Croatia, of the Financial Agency in the enforcement proceedings and of the public notaries.

e-oglasna ploča. E-Oglasna ploča je besplatna i javna usluga koja omogućava pregled elektroničkih oglasnih ploča sudova i drugih nadležnih tijela u Republici Hrvatskoj.

Putem središnjeg pretraživača omogućeno je pretraživanje objavljenih odluka i drugih pismena općinskih, županijskih, trgovačkih, prekršajnih i upravnih sudova u Republici Hrvatskoj, Financijske agencije u ovršnim postupcima te javnih bilježnika.

Enforcement: the putting into effect of court decisions, and also other judicial or non-judicial enforceable titles in compliance with the law which compels the defendant to do, to refrain from doing or to pay what has been adjudged (source: Recommendation Rec (2003) 17 of the Committee of Ministers to member states on enforcement).

Ovrha: stupanje na snagu sudske odluke, ali i drugih sudskih ili izvansudskih izvršnih rješenja sukladno odredbama zakona koje obvezuje tuženika da čini, da se uzdrži od činjenja ili da plati sukladno onome što je presuđeno (izvor: Preporuka Rec (2003) Odbora ministara državama članicama 17 o ovrši).

Enforcement agent: Professional institution or body in charge of enforcement.

Ovršni agent: profesionalna ustanova ili tijelo zaduženo za ovrhu.

Enforcement costs: Enforcement costs consist of the enforcement expenses (= enforcement fees) and any performance bonus (= performance fees) paid by the claimant to the private enforcement agent in the form of fees (See enforcement fees and performance fees).

Troškovi ovrhe: troškovi ovrhe se sastoje od izdataka za ovrhu (= pristojba za provedbu ovrhe) i dodataka za izvršenje (= pristojba za izvrše

Enforcement Fees: The expenses of the process itself, in other words, the total of the amounts for each action undertaken by the enforcement agent in the course of a single case (see Enforcement costs).

Pristojba za provedbu ovrhe: troškovi samog procesa, odnosno, zbroj pojedinačnih iznosa za sve radnje koje poduzima ovršni agent u okviru jednog predmeta (vidi: Troškovi ovrhe).

Enforcement Procedure: Execution proceeding of involuntary collection and securing of a debtor's property ordered by a Court or other public body (notaries public) at the request of a claimant against a defendant.

Ovršni postupak: izvršni postupak prisilne naplate i osiguranja dužnikove imovine po nalogu suda ili drugog javnog tijela (javni bilježnici) na zahtjev podnositelja tužbe protiv tuženika.

FINA: Financial Agency (FINA <http://www.fina.hr/>) is a Croatian company with national-wide coverage in the field of

¹ This glossary is for the only purpose of this Project and has been drawn up taking into consideration the glossary attached to the CEPEJ (2009) 11 REV Guidelines for a better implementation of the existing Council of Europe's recommendation on enforcement adopted by the CEPEJ at its 14th plenary meeting.



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financial mediation and the application of information technologies, which meet the Courts requirements in relation to assets investigation during the enforcement proceedings.

FINA: Financijska agencija (FINA <http://www.fina.hr/>) je hrvatska tvrtka sa širokom nacionalnom pokrivenošću na području financijskog posredovanja i primjene informatičke tehnologije koja zadovoljava zahtjeve sudova u svezi sa istragom imovine tijekom ovršnog postupka

Ministry of Internal Affairs of the Republic of Croatia: is the ministry in the Government of Croatia, which is in charge of state security among other roles. Croatian Police is a public service of the Ministry of the Interior.

Ministarstvo unutarnjih poslova Ministarstvo unutarnjih poslova Republike Hrvatske je ministarstvo u Vladi Republike Hrvatske koje među ostalim poslovima obavlja poslove koji se odnose na državnu sigurnost. Hrvatska policija je javna služba Ministarstva unutarnjih poslova.

Protocol: the customs, rules, and regulations dealing with formal courtesies, good manners, or diplomatic relations between institutions.

Protokol: običaji, pravila i propisi koji se odnose na formalnu uljudnost, lijepo ponašanje ili diplomatske odnose između institucija.

Stakeholder: A person, group or institution that has interest or concern in an organization. Stakeholders can affect or be affected by the organization's actions, objectives and policies.

Dionik: svaka osoba, skupina ili ustanova koja ima nekakav interes vezan uz organizaciju. Dionici mogu utjecati na ili mogu biti pod utjecajem aktivnosti, ciljeva ili politike organizacije.

Statistics: is the study of the collection, organization, analysis, interpretation and presentation of data.

Statistika: studija o proučavanju, prikupljanju, organiziranju, analizi, tumačenju i predstavljanju podataka.

The Tax Administration is an administrative organization within the Ministry of Finance the basic task of which is to implement tax regulations and regulations concerning the payment of compulsory insurance contributions.

Porezna uprava Porezna uprava je upravna organizacija u sastavu Ministarstva čija je temeljna zadaća primjena poreznih propisa i propisa o prikupljanju doprinosa za obvezna osiguranja.

Workshop: a seminar or similar meeting designed to explore a subject or develop a skill or technique.

Radionica: seminar ili sličan skup kreiran s ciljem istraživanja teme ili razvijanja vještine ili tehnike.

1. - EXECUTIVE SUMMARY



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Preparing workshop materials and organizing at least 4 regional joint workshops with the purpose to present to all stakeholders business processes related to implementation of general information flow protocol



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DEBRIEFING REPORT EXECUTIVE SUMMARY

Experts	Ms María Dolores Millán Pérez Ms María Rosario Palacios González Mr Javier Luis Parra García Ms María Vanessa Untiedt Lecuona
Mission	Activity 2.1.6. “Preparing workshop materials and organizing at least 4 regional joint workshops for employees of relevant institutions (at least 5 representatives per institution) with the purpose to present to all stakeholders business processes related to implementation of general information flow protocol”
Dates	June 29 – July 3: two experts prepared the materials to be used during the workshops: Mr Javier Luis Parra García Ms María Vanessa Untiedt Lecuona July 6 – July 10: three experts and RTA conducted 4 regional workshops: Ms María Dolores Millán Pérez Ms María Rosario Palacios González Ms María Vanessa Untiedt Lecuona Ms Marián Oyola Reviriego
Place	Zagreb, Rijeka, Osijek and Split
Objectives	In the framework of this project on “Improvement of the Enforcement system in the Republic of Croatia”, the purpose of the assistance is to conduct four regional workshops where the general information flow protocol will be presented to stakeholders. As specific objectives this activity pursues: <ol style="list-style-type: none"> 1. To prepare the materials that will be used during the workshops. Materials oriented to encourage the active participation of attendees and related to general information about protocols and EU standards, and concrete information about the protocol that is going to be presented. 2. To conduct four regional workshops - two workshops per team: Zagreb/Osijek and Rijeka/Split.
Methodology	The Group of experts has performed these steps: <ol style="list-style-type: none"> i. Study of the Information Flow Protocol prepared in activity 2.1.5; ii. Preparing the materials that will be used during the workshops; iii. Conducting two regional workshops per team: Zagreb/Osijek and Rijeka/Split; iv. Writing a report with an analysis of the workshops and conclusions. <p>The Mission Group of experts (MG) has followed a triple methodology:</p>



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	<ul style="list-style-type: none"> ■ Analysis of flow protocol prepared in Activity 2.1.5; ■ Delivery by the RTA of the Information Flow Protocol to the workshops attendees ; ■ Analysis of the workshops results.
Annexes	<ul style="list-style-type: none"> • Expert’s guide and methodology • Introduction to the activity • Set of questions for the workshops • Workshops responses

2. INTRODUCTION

The aim of this Twinning Project is to provide technical assistance to the courts, public notaries and FINA in order to widen and reinforce its jurisdiction, to simplify the enforcement procedure and to raise public awareness about the enforcement system.

Activity 2.1.6 is the last of the six activities included in component 2.1 whose aim is to strengthen inter-institutional cooperation of stakeholders involved in the enforcement system.

The main objective of workshops was to present to all stakeholders business processes related to implementation of General Information Flow Protocol.

The specific objectives of the assistance were to conduct four workshops where stakeholders’ representatives have the chance to discuss and answer the questionnaire in small groups and to share the responses and partial conclusions in a jointly plenary for the purpose of reaching to commons positions and general workshop conclusions.

The protocol was drafted within Activity 2.1.5 and the aim of it was to assure the best information flow by promoting the use of good practices and quality standards between the key institutions. The protocol should be considered as an unpublished rule, code of good practices or lines of action to be promoted and/or followed by the Public Administrations and legal practitioners if the Ministry of Justice decide so.

3. EXPERTS (STE)

- Ms María Dolores Millán Pérez
- Ms María Rosario Palacios González
- Mr Javier Luis Parra García
- Ms María Vanessa Untiedt Lecuona

The technical assistance took place in the Ministry of Justice in Zagreb (Mr Javier Luis Parra García and Ms María Vanessa Untiedt Lecuona) during the first week, preparing the materials



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and conducting four regional workshops in Rijeka and Split (Ms Maria Dolores Millán Pérez and Ms Rosario Palacios González) and in Zagreb and Osijek (Ms Mrs Vanessa Untied Lecuona and the RTA Ms Marián Oyola Reviriego) during the second week.

STEs have ensured the active participation of the attendees to four workshops, since their opinions and suggestions will be taken into account in order to prepare a summary of key responses, conclusion and proposals that will be processed and drafted by the experts.

4. WORKSHOPS METHODOLOGY

Although the methodology is explained in detail in Annex 1, we would like to underline some items we consider of interest:

During the first week two experts, Javier L. Parra García and Vanessa Untied Lecuona defined the methodology and designed the workshops. Three Annexes included in this report were developed and in the Agenda the following sequence of steps were proposed:

Hour	Activity	Minimum time	Remarks
10.00	Introduction to the Protocol	45'	See Instructional material 2
10.45	Coffee break	30'	
11.30	Methodology workshops explanation	30'	See point 3 of this material 1
12.00	Working groups	60'	See point 3 of this material. Use questions drafted in Instructional material 3. The groups will continue working after lunch.
13.00	Lunch	60'	It may last an hour and half depending on the circumstances
14.30	Working groups partial conclusions & proposals	60'	
15.30	Plenary for groups debate and general conclusions	90'	See point 3 of this material. Use questions drafted in Instructional material 3

The first day of the second week a meeting was hold at the premises of the Ministry of Justice in order to explain how the workshops should be developed. Short-term experts agreed that workshops should have the same structure but the instructional materials should be applied on a flexible way in order to encourage active participation of attendees and to gain possible feedback and suggestions.



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This first part of the workshop was dedicated to put the attendees into context in relation to the Information Flow Protocol (the topic to be discussed) and the aims of the event. Then the attendees were divided into smaller groups bearing in mind the need to avoid several professionals of the same body or branch gathered in the same group. They were invited to get a common position in relation to questions and proposals.

According to the methodology, they answered the questionnaire in those small groups with a single common response to be discussed and decided later. A speaker appointed within each group wrote down the responses on paper.

Once the small groups reached a common opinion, responses and partial conclusions were shared in a joint plenary through the group speaker with the purpose of reaching common positions and general workshop conclusions.

Therefore, during the work in small groups as well as in making the conclusions plenary experts played a proactive role of *'workshop facilitators'* promoting the most dynamic development of the events.

5. – WORKSHOPS

5.1. Workshop in ZAGREB

Experts: **Ms Vanessa Untiedt Lecuona** and **RTA Ms Marián Oyola Reviriego**

Stakeholders

Stakeholders from several professions and bodies were invited as participants a month in advance. The invited participants were as follows: judges, court advisors, public notaries, lawyers, representatives of the Ministry of the Interior, representatives of FINA, representatives of the Trade Unions, representatives of the Croatian Employers' Association, representatives of the Ministry of Justice and of the Tax Administration.

Questionnaire and methodology

According to the meeting, which took place on Monday morning, the experts carried out the workshops applying the same documentation and methodology. Therefore a normalized questionnaire elaborated by the experts was used and the same workshops and plenary system was applied.

Two experts monitored the process and an interpreter helped people who could not speak English.

In order to get active participation of the stakeholders a workshop methodology was implemented. The 31 attendees were divided in four smaller groups of 4 or 5 participants



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and they were invited to get a common position in relation to questions and proposals (questionnaire).

The last part of the workshop was dedicated to presentation and discussion of the conclusions of different groups.

Progress of the meeting

The workshop was implemented with a total of 31 attendees and it was conducted in the Ministry of Justice in Zagreb.

Professional background of the participants: judges, court advisors, public notaries, lawyers, representatives of the Ministry of the Interior, of FINA, of the Trade Unions, of the Croatian Employers' Association, of the Ministry of Justice and of the Tax Administration.

The following steps were taken:

- a. Introduction to the Protocol and explanation of the Agenda drafted in Annex 1. At the beginning the expert and the RTA introduced themselves and the RTA explained the project and the activities that have been carried out along the Component 2.
- b. PowerPoint presentation with slides explaining what is a protocol.
- c. Division of the participants into small groups and internal debate.
- d. Plenary session and conclusions.

The workshop was conducted as explained in the Agenda scheduled in Annex 1.

The experts collected the conclusions delivered by the groups in written.

Workshop conclusions and proposals

Participants collaborated with useful answers but they didn't have an active deliberation after writing the proposals or answers to the questions.

Answers were written in English and in Croatian, and the latter were translated by Daniela Josipović Trusić, the language assistant of the Twinning project.

Summary of Conclusions:

1. - General questions:

- Everybody understands what a protocol is and the meaning of the protocol.
- A general answer is that: most of the institutions have protocols, but they are not always recognized and they are insufficient. Among different institutions:



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- The Ministry of the Interior has protocols with the Ministry of Justice as well as some international police protocols, usually with neighbour countries as well as EU Members.
 - FINA has protocols with the Ministry of Finance.
 - The Tax Administration has no protocols.
- All the groups find these protocols useful.
 - Problems or disagreements that may arise when data must be exchanged may be avoided with protocols.
 - Pension Insurance Institution, Post Office, Public Notaries and Trade Unions, Social Welfare Centre, Central Depository And Clearing Company.
- 2. – Mutual trust**
- Some groups believe that the communication between stakeholders shall be improved in order to solve problems that may arise. And they think it is necessary to have more communication between the stakeholders.
 - More meetings and better communication should improve mutual trust.
- 3. – Communication Channels**
- The most efficient communication channel is electronic signature and shall be email but under security guarantees.
 - Almost all the groups with small exceptions do not consider email a safe communication channel.
 - Some groups said that paper is more convenient now because email and fax are not secure but they agreed that the use of electronic signature could improve the communication because there are too many papers.
 - FINA is the only institution provided with electronic signatures and the representative of the Ministry of Justice hopes that soon all the institutions will be provided with the electronic signatures.
- 4. – Efficiency**
- It is necessary to have a Contact Point (CP).
 - One answer for all institutions: the Head of the Department, a person that understands the issue. Different answers for different institutions:
 - In the Ministry of the Interior Police Administration.
 - FINA: has an email address for suggestions related to the enforcement.
 - Trade unions: legal advisors.
 - It is necessary to set reasonable and standardized limits for the request of information and assistance between the institutions involved in enforcement.
 - Some groups are familiar to bulletin board and some not, but all the groups know what an e- bulletin is.



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5. – **Quality**

- Meetings should be organized on a regular basis, more frequent at the beginning of the implementation of the protocol. CP should be present at the meetings. At least twice a year.
- Workshops should be arranged on a periodic basis.

6. – **Transparency**

- Some groups consider statistical data useful for the general public and some do not. The groups that consider statistical data useful justified their answers saying that if general public know these data they will be more responsible.
- Enforcement costs should be known beforehand.
- People should know their right when they are involved in an enforcement proceeding.
- Statistical data are important but should reflect reality.

7. – **Lines of action in relation to Police Administration**

- This protocol would be useful for all stakeholders. This protocol would regulate the information flow between the Police Administration and Court or FINA.
- The role of a CP from the Police Administration would be to provide information related to addresses and vehicles. And the CP should be the Police Directorate.

8. – **Lines of action in relation to Tax Administration**

- This protocol would be useful for all stakeholders.
- Tax Administration collaborates with all stakeholders already.
- The CP should be a person that knows about enforcement system and has access to relevant information related to enforcement.

9. – **Lines of action in relation to Bar Association**

- This protocol would be useful for all stakeholders.
- Relationship between lawyers and court staff is harmonious.

10. – **Lines of action in relation to FINA**

- This protocol would be useful for all stakeholders.
- FINA should make things easier to other stakeholders. People from court do not feel well when they are asked for the original enforcement titles, even when the sent title has a stamp from court on it.

11. – **Data protection**

- There should be a special appointed person who has right to access to different data from court. A group from the Municipal Court underlines that it should be the same person who conduct the enforcement proceedings.
- No, data are not protected under email communication.



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12. – Key proposals

- All stakeholders involved in process of enforcement should have all relevant information in order to improve communication between stakeholders.
- There should be an electronic signature for a better communication.
- Citizens should be informed about their rights and duties during the enforcement proceedings.
- Law shall regulate the level and scope of data for every stakeholder.
- It is necessary to pay attention to the fact that the access to data shall be provided to all EU member states.
- The enforcement system should be simplified.
- In the procedure of enforcement on real states it is necessary to return full jurisdiction to courts.
- There should be more meetings and workshops to discuss practical issues periodically between the institutions or the CPs.

5.2. Workshop in RIJEKA

Experts: **Ms M^a Dolores Millán Pérez and Ms Rosario Palacios González**

Stakeholders

Stakeholders from several professions and bodies were invited as participants a month in advance. The invited participants were as follows: judges, court advisors, public notaries, lawyers, representatives of the Ministry of the Interior, of FINA, of the Trade Unions and of the Tax Administration.

Questionnaire and methodology

According to the meeting which took place on Monday morning, the experts carried out the workshops applying the same documentation and methodology. Therefore a normalized questionnaire elaborated by the experts was used and the same workshops and plenary system was applied.

The two experts monitored the process and an interpreter helped people who could not speak English.

In order to get active participation of the stakeholders a workshop methodology was implemented. This first part of the workshop was dedicated to put the attendees into context in relation to the Information Flow Protocol (the topic to be discussed) and the aims of the event.



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The attendees were divided into smaller groups bearing in mind the need to avoid several professional from the same body or branch gathered in the same group. They were invited to get a common position in relation to questions and proposals (see questionnaire).

According to the methodology, they answered the questionnaire in those small groups with a single common response to be discussed and decided later. A speaker appointed in each group wrote down the responses on paper.

Once the small groups reached a common opinion, responses and partial conclusions were shared in a joint plenary through the group speaker with the purpose of reaching common positions and general workshop conclusions.

Progress of the meeting

The workshop took place in the auditorium of the City Hall of Rijeka and all the IT facilities necessary for the implementation of the activity were provided by the City Hall of Rijeka.

Participants' professional background: Judges, Court Advisors, Senior Court Advisor, Public Notaries, representatives of the Ministry of Finance and Tax Administration, of FINA, of the Ministry of the Interior, of the Trade Unions and Lawyers. Finally a total of 14 stakeholders attended the workshop.

The experts made a presentation about a general explanation of the Information Flow Protocol, its background, nature, purpose, entities involved, common framework, protocol contents and the specific lines of action. All the explanation was complemented with PowerPoint presentation translated into Croatian.

Later, the participants were divided into three smaller groups. Two of groups were composed of five members and one group of four members. They were discussing during one hour period and the experts assisted them when they needed some interpretations regarding doubts about the questionnaire.

The last step involved all the attendees in a plenary phase. Once the internal debate was completed, the groups selected their speakers. Those speakers explained their conclusions and the three main prioritized proposals in order to improve the Information Flow Protocol.

Participants were truly actively involved in the methodology and activity contents. The workshop was carried out in accordance with the established Agenda and the crucial part of the workshop, the plenary debate, lasted two hours and it was successful. The groups elaborated conclusions and showed an active participation presenting interesting inputs for the project.



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There was a common sharing of inputs and conclusions among three groups.

Finally, the experts collected the groups' conclusions delivered in writing. They expressed their wish to receive the outcomes of this project by email.

Workshop conclusions and proposals

Taking into consideration both, the written answers collected and the opinions expressed and shared in the plenary phase, following conclusions and proposals can be highlighted:

1. - General questions:

- All groups understand what a protocol is and the meaning of the protocol; the aim of protocol is to improve the communication among the stakeholders.
- Not all institutions have information protocols, but there are some rules that regulate the profession and there is a protocol with the Ministry of the Interior (Police Administration).
- Everybody agree that it is necessary to have a protocol for the improvement of the enforcement system.
- Problems or disagreements that may arise when data must be exchanged may be avoided with protocols and they have to be prescribed in detail.
- The stakeholders that should be involved in this protocol are as follows: Courts, FINA, Police, Lawyers, Notaries Public, Ministry of the Interior, Registry Office, Centre for Social Welfare, Medical Institutions, Pension Insurance Fund, Health Insurance Institute, and other public institutions if necessary (utilities companies Energo, Elektroprivreda, Voda, etc.)

2. – Mutual trust

- The participants think it is necessary to establish safe communications channels to improve the mutual trust in relation to this Protocol.
- It would be a good measure to facilitate user access to common databases taking into account the corresponding safety protocols. Interoperability.

3. – Communication Channels

- It was agreed by all groups that e-mail is the most efficient channel of communication but under the guarantees of electronic signature.
- The telephone is the best and the easiest channel but it is not trustful, and paper format is trustful but slow.



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4. – Efficiency

- It is necessary to have a CP.
- As regards the person that should be designated as a CP in the institution, they propose for FINA, the person in charge of the enforcement, for Courts a judicial advisor, for Notaries the business secretary, and for police the official for assistance.
- They consider necessary to set reasonable and standardized limits to the requests of information.
- The participants know and use the bulletin board and e-Bulletin, but they think it must be improved because it still contains shortcomings and errors. It should be regulated clearer when is necessary to notify through the Bulletin.

5. – Quality

- Meetings or workshops among the stakeholders are advisable and necessary.
- These meetings should be compulsory for the representatives of the involved institutions.
- Meetings shall be held according to the needs and with the aim of solving the problems, at least monthly at the beginning.

6. – Transparency

- All groups consider statistical data useful for the general public but depending on the nature of data.
- With regard the information on costs, groups believe that creditors and debtors already are informed, the amount of the costs (fees and taxes) are published by the entity concerned.
- As a suggestion to improve the transparency, the participants propose to facilitate the information about the debtors' property. They consider that 'e-predmet' is a good tool in terms of transparency but the information displayed is very limited or unavailable for general public.

7. – Lines of action in relation to Police Administration

- There should be a protocol that regulates the information flow between the Police Administration and courts, state institutions, lawyers, etc.
- The role of a CP from the Police Administration should be to collect data about the address, residence, person in charge of assistance, the internal coordination and to follow the agreements with other institutions.



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- The CP should be Head of Department in the line of work, in the enforcement department.

8. – Lines of action in relation to Tax Administration

- The Information Flow Protocol shall include all stakeholders involved in the enforcement system, particularly judges, lawyers and notaries.
- The CP should be Head of Department in the line of work, in the enforcement department.

9. – Lines of action in relation to Bar Association

- The Information Flow Protocol shall include all stakeholders involved in the enforcement system.
- The CP in the Bar Association should be any member e.g. president of the Assembly or business secretary.
- The relationship between lawyers and court staff is not as good as expected, and it could be improved with regular meetings for resolving the disagreements between two parties.

10. – Lines of action in relation to FINA

- The protocol would be useful to regulate the information flow between FINA and all stakeholders.
- The role of the CP from FINA is to facilitate to stakeholders all the information needed for the enforcement process.
- The CP should be a Head of Enforcement Department.
- FINA has the access only to bank account number, not to balance. The exchange of information shall be improved and the level of competence should be raised.

11. – Data protection

- The attendees consider dangerous to allow the court staff the access to the debtor's data in terms of data protection. They think it would be better that only judges and authorised contact points have access to property data.
- All groups said they are not sure that the communication by email respects data protection guarantees.

12. – Key proposals



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- Appointment of Contact Points with the appropriate training to give the stakeholders all the information required by them and related with the enforcement.
- To promote a fluid exchange of information with the Courts, regular meetings among the stakeholders involved in the enforcement system and the development of good practices.
- To improve the mutual trust organising regular meetings and training programs.
- Notaries public should be involved in the sale of movables.
- To prohibit frequent amendments to the law; the legislative inflation creates a great insecurity of all stakeholders in the implementation of law.
- The development of a safety protocol in a way that the stakeholders use a username and a password.

5.3. Workshop in OSIJEK

Experts: **Ms Vanessa Untiedt Lecuona** and **RTA Ms Marián Oyola Reviriego**

Stakeholders

Stakeholders from several professions and bodies were invited as participants a month in advance. The invited participants were as follows: court advisors, public notaries, lawyers, representatives of the Ministry of the Interior, of FINA, of the Croatian employee association, and of the Tax Administration.

Questionnaire and methodology

According to the meeting, which took place on Monday morning, the experts carried out the workshops applying the same documentation and methodology. Therefore a normalized questionnaire elaborated by the experts was used and the same workshops and plenary system was applied.

Two experts monitored the process and an interpreter helped people who could not speak English.

In order to get active participation of the stakeholders a workshop methodology was implemented. The 14 attendees were divided in four smaller groups of 3 or 4 participants and they were invited to get a common position in relation to questions and proposals (questionnaire).

The last part of the workshop was paid to presentation and discussion of conclusions of different groups.

Progress of the meeting



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The workshop was implemented with a total of 14 attendees and it was conducted at the premises of the Judicial Academy at the County Court of Osijek.

Professional background of the participants: court advisors, public notaries, lawyers, representatives of the Ministry of the Interior, of FINA, of the Croatian Employers' Association, and of the Tax Administration.

The following steps were taken:

- e. Introduction to the Protocol and explanation of the Agenda drafted in Annex 1. At the beginning the expert and the RTA introduced themselves and the RTA explained the project and the activities that have been carried out along the Component 2.
- f. PowerPoint presentation with slides explaining what is a protocol.
- g. Division of the participants into small groups and internal debate
- h. Plenary session and conclusions.

The workshop was conducted as explained in the Agenda scheduled in Annex 1. The groups elaborated conclusions and showed a very active participation presenting interesting inputs for the project.

The experts collected the conclusions delivered by the groups in written.

Workshop conclusions and proposals

Participants were actively involved in the methodology and activity contents. They collaborated with useful answers but they did not have an active deliberation after writing the proposals or the answers to the questions.

Answers were written in English and in Croatian, the latter were translated by Daniela Josipović Trusić, the language assistant of the Twinning project.

Summary of Conclusions:

1. - General questions:

- Everybody understands what a protocol is and the meaning of the protocol
- Some institutions have protocols and some not. Some of them have rules of procedures or bylaws.
- All the groups find these protocols useful.
- Problems or disagreements that may arise when data must be exchanged may be avoided with protocols.
- Pension Insurance Institution, Croatian Post, Commercial Court, Harbourmasters' Office, SKKD – Central Depository and Clearing Company and Public Notaries.



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2. – Mutual trust

- For improving mutual trust some training should be organized.

3. – Communication Channels

- Email is not considered a safe communication channel.
- The best and safest communication channel would be intranet for the whole territory of the Republic of Croatia.

4. – Efficiency

- It is necessary to have a CP. But some groups underline that just in case the protocols are mandatory.
- CP should be a professional who understands the enforcement system. The Head of Department.
- At court, the CP should be a judge or a court advisor.
- It is necessary to set reasonable and standardized limits for the request of information and assistance between the institutions involved in enforcement.
- Some groups are familiar to bulletin board and know what an e-bulletin is.

5. – Quality

- Meetings and workshops should be organized
- At the beginning, once a month and then, every three months and later, optionally if necessary.
- These meetings or workshops should be mandatory.

6. – Transparency

- Statistical data are very useful for the general public.
- Creditors and debtors should be informed beforehand about the enforcement costs.
- There should be more information given to the creditor when debtors refuse to receive notifications or information related to delays.

7. – Lines of action in relation to Police Administration

- There should be a protocol that regulates the information flow between the Police Administration and courts.
- The Head of the Police Administration should be appointed as a CP.

8. – Lines of action in relation to Tax Administration

- A protocol would be useful to regulate the information flow between the Tax Administration and other stakeholders.
- The CP should be a special appointed person.

9. – Lines of action in relation to Bar Association



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- In order to improve the relationship with the court meetings between representatives of the court and Bar Association should be organized at least once a month.
- Necessary data for enforcement should be given to the lawyers. Court staff should collaborate with lawyers providing them all data requested.

10. – Lines of action in relation to FINA

- FINA should share information related to bank accounts, specifically if the account is blocked or not and if the account is blocked, for how long.
- Information related to bank account should be shared with courts by protected communication channels but not with public notaries.

11. – Data protection

- Only specific persons should be authorized for the access to personal data related to enforcement proceedings.
- Communication by email does not comply with data protection guarantees.

12. – Key proposals

- It should be necessary to regulate the procedure of FINA in order to make FINA a service for all parties involved in the enforcement proceedings.
- It is necessary to inform, to organize training. Delivery by post services shall be better organized.
- It is necessary to develop and implement the internal secure network and e-mail services for all stakeholders.
- All the participants in the enforcement proceedings should be included in the protocol.
- Deadlines for responses shall be mandatory.
- Meetings between stakeholders shall be organized instead of endless correspondence.
- Communication should be faster and more efficient but with personal data protection.
- Protocol should be mandatory for all the stakeholders.
- Round tables should be organized to give instructions and to educate participants involved in the enforcement procedure.

5.4- Workshop in SPLIT

Experts: **Ms M^a Dolores Millán Pérez and Ms Rosario Palacios González**

Stakeholders

Stakeholders from several professions and bodies were invited as participants a month in advance. The invited participants were as follows: court advisors, public notaries, lawyers, representatives of the Ministry of the Interior, of FINA, of the Croatian Employers Association, and of the Tax Administration.



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Questionnaire and methodology

According to the meeting, which took place on Monday morning, the experts carried out the workshops applying the same documentation and methodology. Therefore a normalized questionnaire elaborated by the experts was used and the same workshops and plenary system was applied.

The two experts monitored the process and an interpreter helped people who could not speak English.

In order to get active participation of the stakeholders a workshop methodology was implemented. This first part of the workshop was dedicated to put the attendees into context to in relation to the Information Flow Protocol (the topic to be discussed) and the aims of the event.

The attendees were divided into smaller groups bearing in mind the need to avoid several professional from the same body or branch gathered in the same group. They were invited to get a common position in relation to questions and proposals (see questionnaire).

According to the methodology, they answered the questionnaire in those small groups with a single common response to be discussed and decided later. A speaker appointed in each group wrote down the responses on paper.

Once the small groups reached a common opinion, responses and partial conclusions were shared in a joint plenary through the group speaker with the purpose of reaching common positions and general workshop conclusions

Progress of the meeting

The workshop took place in the Regional Centre of Judicial Academy Split within the County Court of Split who provided all the IT facilities necessary for implementation the activity.

Participants' professional background: Judges, Court Advisors, Public Notaries, representatives of Tax Administration, of FINA, of the Ministry of the Interior and Lawyers. Finally a total of 13 stakeholders attended the workshop.

The experts made a presentation about a general explanation of the Information Flow Protocol, its background, nature, purpose, entities involved, common framework, protocol contents and the specific lines of action. All the explanation was complemented with the PowerPoint presentation translated into Croatian.



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Later, the participants were divided into three smaller groups. Two groups were composed of four members and one group of five members. They were discussing during one hour period and the experts assisted them when they needed some interpretations of doubts about the questionnaire.

The last step involved all the attendees in a plenary phase. Once the internal debate was completed, the groups selected their speakers. Those speakers explained their conclusions and the three main prioritized proposals in order to improve the Information Flow Protocol.

Participants were actively involved with the methodology and activity contents. The workshop was carried out in accordance with the established agenda and the crucial part of the workshop, the plenary debate, lasted two hours and it was successful. The groups elaborated conclusions and showed an active participation presenting interesting inputs for the project.

There was a common sharing of inputs and conclusions among three groups.

Finally, the experts collected the groups' conclusions delivered in writing. They expressed their wish to receive the outcomes of this project by email.

Workshop conclusions and proposals

Taking into consideration both, the written answers collected and the opinions expressed and shared in the plenary phase, following conclusions and proposals can be highlighted:

1. - General questions:

- Everybody understands what a protocol is and the meaning of the protocol.
- All the stakeholders confirm they have internal Protocols but no Protocols laying down rules governing their relations with other entities involved in the enforcement system.
- All groups think Protocols would be useful and would facilitate the communication and information exchange among the institutions.
- All participants agree on the convenience that all stakeholders that have any role in the enforcement should be involved in the Information Flow Protocol.
- They believe that a unique multilateral Protocol applicable to all stakeholders is better than bilateral agreements or Protocols.

2. – Mutual trust



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- To know precisely the role of every stakeholder dealing with enforcement system can contribute to strength mutual trust between them.
- Enhancing communication with the practitioners would contribute to improve the mutual trust. For this, it is essential the use of security codes as passwords, Pins or similar.
- It would be also good to improve the mutual trust in relation to this Protocol, to increase the informal communication and the quality of the mentioned communication.

3. – Communication Channels

- Everyone agrees that e-mail is the most efficient communication channel.
- The participants do not think that e-mail was a completely safe channel but it can become safe with the introduction of safety codes.

4. – Efficiency

- All groups agree that it is necessary to have a CP.
- The Contact Point should be someone that knows perfectly the structure and the internal functioning of the entity where she/he works. The CP must know where to transmit the received request in order the competent person or body could answer it.
- The person who should be designated as a CP should be: professional services, Heads of Department at courts and at the police - the person appointed by Management.
- The majority finds necessary to set reasonable and standardized limits to the requests of information and assistance, but the Protocol shall clearly state the consequences of non compliance with the time limits.
- All groups use the Court Bulletin Board and know what an e-bulletin is. Some groups indicate that the traditional Bulletin Board is not useful at all because it displays a lot of information or notifications in an unsystematic way therefore it is not easy to find what you are looking for.

5. – Quality

- There should be meetings and workshops amongst the signatories of the Protocol and the attendance should be mandatory, to identify and work on problems.
- The meetings or workshops should take place at least once a year. The meetings shall have a clear number of Agenda items.

6. – Transparency

- All groups consider that statistical data are not useful for the general public. Statistics are relevant for policy makers and the management of institutions but citizens do not understand it or it is not useful for their particular problem.



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- Almost all participants believe that creditors and debtors are informed beforehand about the enforcement costs because the tariffs are public. Although maybe the information about costs could be more understandable and clear to general public.
- They do not give any suggestion that may contribute to the transparency because they believe the system is transparent enough.

7. – Lines of action in relation to Police Administration

- This Information Flow Protocol would be useful for all stakeholders; it shall regulate the information flow between the Police Administration and all the stakeholders involved.
- The contact point should be a person with sufficient professional knowledge. Police officials in Police Administration, specially trained and exclusively working on the problem and who would be contact point for police stations.
- The main role of CP should be: to take care that the information is received in the institution and further forwarded to other users.

8. – Lines of action in relation to Tax Administration

- This information flow protocol would be useful for all stakeholders that are related to Tax Administration.
- The CP role is to provide data at the request of stakeholders and to make information flow faster. He or she should be the Head of the authority or a person authorised by him/her.

9. – Lines of action in relation to Bar Association

- The Information Flow Protocol would be useful for all stakeholders related to Bar Association.
- The Contact Point should be the Chairman of the Bar Association.
- Relationship between lawyers and judges are fluid and flexible. Although judicial schedules are set up to receive legal practitioners, however, they are not observed. The Protocol shall point business hours for stakeholders which must be respected unless the case was urgent.

10. – Lines of action in relation to FINA

- This protocol would be useful for all stakeholders.
- The Contact Point should be someone from FINA Management and the role of CP is to ensure the information flows.



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- As regards the information about the citizens' bank account and data protection requirements, some participants suggest to have requests and answers in written form.

11. – Data protection

- The access to the debtor's data should be granted to persons working and in charge of the enforcement files. That assigned person should be asked to provide his or her username and password before the data access is granted.
- The majority thinks that data are not completely protected under email communication.

12. – Key proposals

- The practitioners should be consulted more when adopting laws and regulations in order to better implement these regulations. The practitioners should be involved in working groups.
- The access to data is possible for large number of people without any identity check; the Protocol should establish clear rules of security in information flow.
- Communication between FINA and courts should be regulated in a way that authorised persons have certificates to enter the system and verify the data.
- There is a clear consensus demanding implementation of IT solutions for the enforcements procedures: interoperability, secure electronic communications, and electronic access to multiple-source information on debtor's property.

6. – FINAL CONCLUSIONS

- The need for a *General Information Flow Protocol* regulating the information exchange between all institutions involved in the enforcement system was stressed. An agreed document including best practices, guidelines and standardized lines of actions shall be a further step to what already have been provided by procedural laws aiming to optimize the information flow related to enforcement process.
- A common framework should be established as a necessary base in order to strength mutual trust between members of different institutions.
- Also mandatory and regular follow-up meetings amongst signatories are considered to be the main means of dealing with and resolving the problems arising from the daily work as well as training programmes.



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- All participants agreed on undertake the most efficient channel of communication by means of secure electronic communications. The favourite communication channel among the attendees is the e-mail.
- Bearing in mind efficiency and quality of information flow, efforts are needed within every entity to appoint a contact point for the purpose of the Protocol with a clearly defined role and with reasonable and standardized limits to the requests of information settled of.
- All stakeholders regard the contact point as an essential element for assuring and facilitating a better flow of information. This CP should be a person that knows the internal functioning of the organisation that has appointed him or her. The CP must be specially trained for responsibilities entrusted to him/her and must have exclusive and permanent dedication.
- There is a clear consensus demanding speedy and efficient enforcement through IT applications that allow better and secure information exchange between the stakeholders. A unique central database to obtain all information on debtor's property is particularly demanded.
- E-Bulletin and e-predmet are highly valued by participants but further efforts can be done to improving their practical implementation. It should be regulated clearer when is necessary to notify through the Bulletin. Also the information displayed through E-predmet is very limited and with low value to parties.
- In terms of transparency of enforcement participants believe that creditors and debtors are sufficiently informed beforehand about the enforcement costs because the tariffs are publics. Although maybe the information about costs could be more comprehensible and clear to general public.



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7. – ANNEXES

7.1. - Expert´s guide and methodology

7.2. - Introduction to the activity

7.3. - Set of questions for the workshops

7.4. - Power Point information flow protocol

7.5. - Workshops responses