



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**

ACTIVITY 3.1.3



Improvement of the Enforcement System in the Republic of Croatia

Contract Number: 2010-01-23-010101

Twinning Number: HR/10/IB/JH/04



MISSION REPORT

Activity 3.1.3

Component 3:

RAISING PUBLIC AWARENESS OF THE ENFORCEMENT SYSTEM

Designing and printing 10 000 promotional leaflets about the enforcement system for general public

1. EXECUTIVE SUMMARY

EXECUTIVE SUMMARY	
MS Experts	Mr Cristóbal Guzmán López Mr Javier Luis Parra García
Croatian Counterparts	Ms Marija Grbin Head of Department for Internal Information and Website, Service for Information and Public Relations (Ministry of Justice) Mr Dalibor Ružić Senior Administrative Adviser, Directorate for Civil, Commercial and Administrative Law (Ministry of Justice)
Mission	Activity 3.1.3: Designing and printing 10 000 promotional leaflets about the enforcement system for general public. The leaflets will be also available in electronic form on the enforcement website and the paper version will be disseminated to the general public by relevant stakeholders (e.g. at local offices and round tables organized through activity 3.1.5).
Dates	October 19 – 23, 2015



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Place	Zagreb
Objectives	<p>Main objective: The purpose of the assistance is to design promotional leaflets about the enforcement system for general public. They will provide clear and concise information on the main features of the enforcement system, institutions involved and their jurisdiction, protection of enforcement parties through legal remedies and main novelties in the enforcement process.</p> <p>The activity will be focused on general content, target groups and graphic design. The specific information that is going to be included will be determined under the upcoming activity 3.1.1.b).</p> <p>Leaflets will be printed and disseminated to the general public by relevant stakeholders and they will also be available on the enforcement website. BC and stakeholders will decide the best way to disseminate the leaflets, by making them available in offices and other premises where general public have access or in any other way they consider appropriate.</p>
Methodology	<ul style="list-style-type: none"> ■ Classification, analysis and processing of inputs from previous reports. ■ Development of the Communication Plan for Enforcement System in Croatian regarding the design and printing of leaflets and other aspects involved. ■ Meetings with Croatian Counterparts in relation to designing and printing of leaflets. ■ Designing of the leaflet about the enforcement system, and designing of the leaflet about consumer bankruptcy. ■ Sending inquiries for the offers for printing of 10 000 leaflets (5 000 with general information + 5 000 about Consumer Bankruptcy Act) to 3 private printing companies, and asking for the price which the Ministry of Justice could offer to print these leaflets in the printing facilities of the prison system in Croatia. ■ Drafting of different prototypes of leaflets using the “Microsoft Publisher 2010” tool.
Outcomes,	



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agreements, and other considerations

Outcomes:

1. Graphic design of promotional leaflets drafted (see Annex 1)

This graphic design of promotional leaflets has been drafted in order to include two different leaflets with similar design and visual identity:

- The first one, a leaflet with general information about the enforcement system, entitled: *“Enforcement system is the way towards effective, transparent and balanced resolving of debts”*.
- The second one, a leaflet with information about consumer bankruptcy, entitled: *“New Law on Consumer Bankruptcy a new beginning of honest consumer by settlement of creditors and by the liberation of the remaining obligations”*. Furthermore, as a complementary result in relation to consumer bankruptcy, a third leaflet has been drafted, as an optional alternative, entitled: *“New Law on Consumer Bankruptcy: building bridges between civil society and domestic economy”*¹.

The leaflets have been agreed and carried out in close cooperation achieved between RTA, MS STEs and Experts from the Ministry of Justice.

2. Estimations for printing given by the private sector and by the Ministry of Justice:

In this activity, 3 private printing companies were asked for printing offers for 10 000 leaflets (5 000 about enforcement system + 5 000 about consumer bankruptcy). The Ministry of Justice also was asked for the price that could offer to print these leaflets in the printing facilities of the prison system in Croatia.

The offers received are the following:

- Lupi Media d.o.o. Stupnička 8, 10 000 Zagreb, Croatia
2.900,00 HRK
- NOVI VAL d.o.o. Trnjanska 72, 10 000 Zagreb, Croatia
2.100,00 HRK (plus graphical design)
- Imperito Susedsko polje 47, 10090 Zagreb, Croatia
2.200,00 HRK

¹ Experts recommend this second leaflet (*“New Law on Consumer Bankruptcy: building bridges between civil society and domestic economy”*) with a shorter title with higher potential impact.



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- Kaznionica u Glini, Grafička radionica – Tiskara, HR-44400 Glina, Vinogradska 2

115 gr bright kunstdruck : 0,33 kn/unit + PDV

100 gr ofset: 0,30 kn/unit + PDV

The best offer will be chosen according to the TW manual in order to print the leaflets.

Agreements:

3. In a meeting held on Monday, October 19, 2015, at 10.00 a.m. with RTA, STEs and BC counterparts, in the Croatian Ministry of Justice, total number of 10.000 leaflets was agreed and divided into 5.000 leaflets with general information about the enforcement system, and 5.000 leaflets with information about the consumer bankruptcy. Furthermore, the type of the leaflet was agreed: multi-coloured Tri-Fold leaflets with six panels of identical measures; the leaflets are of A4 size with the leaflet completely extended.
4. Target groups. The target audience for these leaflets is general public, particularly creditors and debtors, and consumers.
5. Dissemination. It is recommended to distribute the leaflets through stakeholders, including courts and court administrations, as municipal courts (for all judges, court advisers and all civil servants), consumer associations, bar association, banking associations for protection of users of financial services, FINA, Ministry of Justice, etc.
6. In a meeting held on Tuesday, October 20, 2015, at 10.00 a.m., with RTA, STEs and BC counterparts, in the Croatian Ministry of Justice, the main features of each of the six sides (panels) of the leaflet with general information about the enforcement system have been explained and a preliminary agreement was made, as follows:

Side 1: This side includes the title of the Twinning Project, the flag and logo of the Croatian Ministry of Justice, the flag and references of the Twinning Project and IPA 2010 Program, and the title of the leaflet.

Side 2: Text/Scheme related to the target audience of the leaflets: citizens, consumers, and stakeholders, with at least one image, and an official disclaimer.



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	<p><u>Side 3</u>: Text with information about the enforcement/bankruptcy system.</p> <p><u>Sides 4, 5 and 6</u> are referred to more detailed information in relation to the enforcement system/Consumer Bankruptcy Act. References about <i>Who is who</i>, <i>Main features of the systems</i> or <i>protection of parties/consumers</i> were made in different sides. The following key ideas were used: transparent, effective and balanced (for leaflet 1) and predictability, social cohesion and fairness (for leaflet 2).</p>
Annexes	<ol style="list-style-type: none">1. Annex 1: Graphic design for two promotional leaflets.



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2. ANNEXES

2.1. Annex 1. Graphic prototypes for promotional leaflets

LEAFLET 1

+ **Positive changes in the Law**

The rule of law is dependent on the support of fair, efficient and accessible judicial systems

The Croatian Ministry of Justice is convinced of the need to promote greater efficiency and fairness in the enforcement of judgments in civil cases and to strike a positive balance between the rights and interests of the parties to the enforcement process

The main purpose of the Enforcement Act 2012 was to make enforcement procedure more effective and at the same time less cumbersome for debtors

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Lawyers & Stakeholders

Citizens & Consumers

Entities & Courts

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Improvement of the Enforcement system in the Republic of Croatia

Enforcement system is the way towards effective, transparent and balanced resolving of debts

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Who is who in the enforcement system?	Main features of the Croatian enforcement system	Protection of parties
<p>transparent</p> <p>Claimant Description</p> <p>Defendant and debtor Description</p> <p>Judges & Court advisors Description & powers and functions in relation to enforcement</p> <p>Lawyers Description & functions Web page</p> <p>Bailiffs Description & functions Link to web page</p> <p>Public notaries Description & functions Link to web page</p> <p>FINA Description & functions Web page</p> 	<p>effective</p> <p>The new enforcement Act Description. Strengths and opportunities of the new legislation. Enforcement titles. Request of direct payment. Enforcement of claims from employment</p> <p>New court system General description. Motion of execution. Which body are enforcements carried out!. Role of FINA</p> <p>Stages of the proceedings General description of the stages of the proceedings foreseen by the law, starting with the final decision and ending with the freezing of account and the final stage of recovering the money . Length and maximum delay foreseen by the law for each of the stages of proceedings.</p> <p>Exrajudicial enforcement Description. New role of public notaries.</p> 	<p>balanced</p> <p>Effective and balanced enforcement is a crucial component of the fundamental right to a fair trial of the article 6 of the Council of Europe's Convention on Human rights, envisaging the right to a fair trial and effective remedy.</p> <p>Debtors right's Description</p> <p>Hearings Description</p> <p>Appeal and legal remedies Description. Possible objections from third parties</p> <p>Costs to claimants and debtors Description in relation to claimants. Types of costs incurred by the receiving party enforcing decision . Description in relation to debtors. Type of cost and how are paid in advance by the creditor.</p> <div data-bbox="1034 987 1318 1167"> <p>Ministry of Justice</p> <p>Ulica grada Vukovara 49 10000 Zagreb, Hrvatska</p> <p>Tel: +358 371 4530 Fax: +385 371 4539 www.mprh.hr</p> </div>



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LEAFLET 2

+ **Keeping consumer's rights in mind**

The Republic of Croatia ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms which for the Republic of Croatia implies an obligation to provide protection for convention rights of individuals by domestic courts. Among the most important rights guaranteed by the Convention, a special place belongs to the right to respect for private and family life (Art 8 of the Convention), which has to be specially emphasized because a large number of citizens are faced with a possibility of losing their homes due to enforcement.

The Croatian Ministry of Justice has promoted better solutions to personal bankruptcy bearing consumers in mind but at the same time keeping creditors rights who deserve effective legal protection. In January 2016 will entry into force the new Consumer Bankruptcy Act of 10 September 2015.

The general objective is to develop a system that will result in the creation of conditions for insolvent customers to reschedule their liabilities or make a fresh start, and for creditors to equitably settle their claims. Specific objectives include the creation of conditions for reaching agreements, through informal (non-institutional) and formal (institutional-courts) frameworks, between creditors and debtors about the restructuring of existing claims, creation of conditions for responsible and rational consumer behaviour in economic terms, and ridding the system of unsuccessful and repeated attempts at enforcement proceedings.

Consumers

Creditors & Stakeholders

Mediators & Courts

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New Law on Consumer Bankruptcy a new beginning of honest consumer by settlement of creditors and by the liberation of the remaining obligations

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	Main features of the Croatian consumer bankruptcy system	Amicable solutions	Protection of consumers
Predictability	<p>New Consumer Bankruptcy Act General description and scope of the Law. Stages of the proceeding foreseen by the law.</p> <p>Main stakeholders Description of the different roles played during the consumer bankruptcy proceeding</p> <p>The notion of consumer bankruptcy Description</p> <p>General principles Description of the general principles of the judicial proceeding</p> <p>Requirements and formalities Description</p> <p>Costs Costs of the judicial proceeding</p>	<p>Social Cohesion</p> <p>Extrajudicial proceeding Description. Strengths and opportunities of the new legislation. Stages of the extrajudicial proceeding</p> <p>Mediators and counselling centres General description</p> <p>Extrajudicial agreements General description and consequences.</p> <p>Costs Cost of the extrajudicial proceeding (Art. 15 a)</p>	<p>fairness</p> <p>Consumer's dignity Informal explanation of Article 63a</p> <p>Home protection Informal explanation</p> <p>Heritage and spouses protection Informal explanation</p> <p>Legal remedies Description (Art. 27 y ss)</p> <p>Completion an disengagement of debts Brief explanation of Title IX</p>
			<p>Ministry of Justice</p> <p>Ulica grada Vukovara 49 10000 Zagreb, Hrvatska</p> <p>Tel: +358 371 4530 Fax: +385 371 4539 www.mprh.hr</p>



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LEAFLET 3

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New Law on Consumer Bankruptcy:
building bridges
between civil society and domestic economy

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